ANNO XXIII. HENRICI OCTAVI.

The kynge our soueraigne lorde Henry the eight by the grace of god kynge of England and of France, defender of the faith, and lorde of Irelande at the session of his highe Court of parliament after diuers prorogacions, holden at westminster the.xv. day of Ianuary, in the.xxiii. yere of his most noble reigne to the honour of almightie god and holy church, & for the common weale and profit of this his realme, by the assente of the lordes spirituall and temporal, and the commons in this present parliament assembled, and by auctoritee of the same, hath ordeined established, and enacted certayne good statutes lawes and ordinaunces in maner and fourme folowynge.

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Where at a parliamẽt holden at westminster, in the .iii. yere of kynge Edwarde the fyrste, the same kynge moued the prelates of the realme, and them entoyned vpon their feith, that they owed to hym, that in no wise they shoulde deliuer those clerkes, whiche were indited for felonie, without due purgacion, so that the saide kynge shulde haue no nede to put other remedi in that behalfe. And that not withstanding after that monicion dyuers and many clerkes conuicte were accustomably deliuered and suffered to make their purgacions, to the greate corage of euyll doers: By occasion wherof afterwarde at an other parliament holden at westminster in the .xiij. yere of kyng Henry the .iii. vpon the complaunte of the commons the same kynge Henry the fourthe than aduertised the prelates of the realme of the premisses, entendyng than to haue prouided remedie, by auctorite of the saide parliament, as appertained to his prerogatiue ropall, for the conseruacion of the peace of the Croune: At whiche time the archebyshop of Canterbury, for him selfe and all other byshoppes of his prouince than openly promised to the same kynge Henry the .iii. that if any persoune from thens forth were conuicte of anye treasonne, whiche touched not the kynge nor his royall maiestie, and suche as were notoriously knowen and reputed for theues, and for suche cause delyuered to ante ordinarie as a clerke conuicte, that the ordinarie, to whom suche person or personnes were deliuered, shuld safely kepe them after the effecte of a constitucion prouinciall to be made by the sayde archebyshop and byshops after the effecte of the letters of Symon than afore that time archebyshoppe of Canturburye, beatinge date the .xii. kalendes of Marche, the yere of our lorde god a. M. CCCl. and that no suche traytour nor felon shoulde make his purgacion agayne the saide Constitucion, whiche constitucion the saide Archebyshop than promised to deliuer to the same kynge before his yerle parlyamente, to thentent that if it shoulde seme to the same kynge, that the same constitucion were not sufficient remedie for the premisses, that than the saide kynge myght prounde suche remedie as shoulde appertene in that behalfe. Sithen whiche tyme the same constitucion was neuer notified ne shewed by the prelates of this realme, but continually sithen that [illegible] manifest theues and murderers indited and founde guilte of their misdeedes by good and substanciall inquestes vpon plaine and profeable euidence before the kynges Iustices, and afterwarde by the vsages of the common lawes of the lande deliuered to the ordinaries as clerkes conuicte, be shortly and hastily deliuered and set at large by the ministers of the said ordinaries for corrup-

cion and lucre, or els bicause the ordinaries entieminge suche offenders by the liberties of the churche, will in no wise take the charges in sour kepynge of theim, but little regardynge the triall and conuiction of the sayde offenders, by the due and plaine course of the common lawes of the lande, doe suffre them to make their purgacions by suche as nothinge knowe of their misdeedes: and by such fraude abrogate and make voide all the good and prouable triall that is vsed againe suche offenders by the kinges lawes, to the greatte discraunder of suche as pursue suche misdoers, and to the pernicious example, encrease, and corage of suche offenders, if the kynges highnes by his auctorite royall put not spedy remedie in the premisses as appertayneth.

¶ Be it therfore enacted by the kynge our soueraigne lorde, and the lordes spirituall and temporall, and the commons in this presente parliamente assembled, and by auctorite of the same, that no person nor persons, which hereafter shall happen to be founde guilte after the lawes of this lande for anie maner of petie treason, or for anie wylfull murder of malice prepensed, or for robbynge anie churches, chapels or other holy places, or for robbinge of anie person or persons in their dwellyng houses or dwelling place, the owner or dweller of the same house, his wife, his children, or seruaunts than being within, and put in feare and dred by the same, or for robbynge of any persone or persons in or nere aboute the highe wayes, or for wilfull burnyng of any dwellinge houses or barnes, wherein anie graine of cornes shall happen to be, nor anie persone or persons beinge founde guilte of anie abbettement, procurement, helpinge, maintenynge, or counsellinge of or to anie suche petie treasons murders or felonies, shall from henceforth be admitted to the benefite of his or their clergie, but vtterly to be excluded therof and suffre death in such maner and fourme as they shoulde haue done for any the causes or offences aboue sayd, if they were no clerkes. Except suche as be within holy orders, that is to sale of the ordes of subdeacon or aboue al onely excepte.

¶ And be it further enacted by auctorite aforesaide, that euery suche persone and persones within suche ordres of subdeacon or aboue, whiche at anytyme hereafter be founde guilte of any petie treason, or of any murder, of malice prepensed, or of anie of the felonies aboue rehersed, or of anye accessarie to petie treason, wilfull murder, or to any other the felonies aboue specified, and admitted to his or their clergie, and deliuered to the ordinaries for the same, shall not in anie wise from henceforth be suffered to any purgacion, nor be sette at liberte, but remaine and abide in perpetuall prison, vnder the kepinge of the ordinarie, to whom he shalbe committed and his successours, without anie maner purgacion during the naturall lyfe of euery suche conuicte, Except onely suche person or persons so beinge within suche holy ordres and conuicte, of or for any of the offences afore sayde, and deliuered to the ordinaries for the same, do fynde two sufficient

ciente suerties by recognisaunce before two of the kynges Justices of his peace within the same shyre, where the petie treason, murder, or felony, wherof he was conuicted, was committed and done, wherof one of them to be of the Quorum, that suche conuicte shall be of good abearynge againste the king our soueraigne lorde, his lawes and subiectes, euery suche conuict to be bounde in the summe of. xl. li. and euery his suerties in. xx. li. And that no suretie be taken onelie suche as may dispende in londes tenementes or hereditamentes clerely aboue all charges of estate of enheritaunce ofcharter holde, xx.li. bull. or elis be worth. xx. li. in mouable substaunces at the time of the taking of suche recognisance. And that two Justices of peace, wherof one to be of the Quorum, by auctorite aforesaide haue power and auctorite to take suche recognisance. And that the said Justices, afore whom any suche recognisance shall be taken, shall certifie the same into the kinges benche within. viii. monethes next after the takinge therof, vpon peyne to lose and forfaite. C. s. for euery defaut therof.

Prouided alwaie, that this acte extende not to geue any benefite to any suche person or persons, whiche after their confession, or iudgement geuen ageine them of or for felony or murder, or after they be outlawed for any suche cause be admitted to their clergie and deliuered to the ordinarie for the same, but that they and euery of them shall remaine in the custodie of the ordinaries without makinge purgacion, vpon suche perill and in suche maner and fourme as it was vsed by the commonlawe before the makynge of this present acte, this acte or any thinge therin contepned not withstandinge.

Prouided alwaies, and it is further enacted, that euerie ordinarie, to whose custodie anie suche conuicte for anie of the offences aboue reherced shall be committed, maie at his libertie degrade euery suche conuicte after the lawes of the churche, if he se cause so to doo, and sende the conuicte so degraded in sure and safe kepinge vnto the kinges benche with a certificat vnder his seale testifyinge the said degradinge, vpon the whiche the Justices of the kinges benche, hauinge afore them the recorde, vpon the whiche the saide personne is degraded was first conuicte, shall geue suche like iudgement of deathe vpon the same recorde againste euery suche person so conuict and degraded, as the Justices afore whom he was conuicte might haue done if the saide person so degraded at the tyme of his conuiction afore them had be noclerke, this admission to his clergie, and commyttynge to the ordinarie, or any other thinge vse or custome to the contrary heref not withstandinge. And that euery suche iudgement shall be executed accordingly. And that euery ordinarie so sendinge any suche conuicte degraded into the kinges benche shall be discharged ageine the king our soueraigne lorde, his heyres and successours of or for any further custodie or kepynge of the same conuicte.

This acte to continue vnto the laste daie of the nexte parliament.

¶ An acte concerninge where and vnder what maners the gayles within this realme shall be edified and made. ii.

For as muche as it is necessarie and commendable, that common gayles and prisones, whereunto euell doers shall be committed for their offences, shoulde be surelye and substancially edified in suche townes in euery shire within this realme as shall be most indifferent for conueiance of prisoners from euery parte of the shire wherein suche gayles shalbe, and in especiall in those townes, where moste commonlye the assises and sessions bene vsually kepte, and where there is moste resorte and repaire of people to thentent that by the meane thereof fewer shall escape, and also the rather and ofterner reliefe and charitie of the people shall be to the prisoners ministred: It maie therfore please the kinges highnesse with thassent of the lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctoritie of the same to enacte that the Justices of peace of euery of the shires of Essex, Suff. Norf. Sussex, Surrey, Notingham, Glouc. Bedforde, Buck. Huntingdon, Wiltes. Kent, Warwike, Bedfforde, Oxen. Barkl. Leicester, Rutlande, Lincolne, Herefforde, Southampton, Salop, Dorset. and Cornwall. or the moste parte of the saide Justices of peace in euerye of the saide shires within the limittes of their commission, shal haue full power and auctoritee to limitte and appointe at anie tyme within the terme of anie yere from the ende of this present parliament the townes and places wherein they shall thinke moste necessarie to haue a common gayle newly edified and maye. And that also the saide Justices of peace in euerye of the saide shires, or the moste parte of the saide Justices of peace within the limittes of their commission shall haue full power and auctoritie to call before them at tymes and places by them to be appointed, all the high constables, tything men, or borough holders of euery hundred, lathe, or wapentake in the shire, wherof they be Justices, and in their presence and by their assentes and agreementes, or in the presence and by thassente of the moste parte of them shall conclude and agree vpon suche competente and certaine summes of money, as shall be thought by their discrecions and by examinacion of wooshe men to suffise for the mainteyninge and perfecte finishynge of a newe gayle in the shire, wherof they be Justices of peace: and that vpon shall set downe by their assentes or agreementes and diuisions taxe and set euery suche person and persons, as than shall be resiant in the same shyre, as well within liberties as without, hauinge landes, tenementes, rentes, or annuities of estate of inheritaunce, or for terme of lyfe to the cleere yerely value of .xl. s. or aboue, or beynge worthe in moueable substaunce the cleere value of .xx. li. or aboue, to suche reasonable sommes

sommes of money as shall be thought conuenient by their discrections to and for the full building makinge and finishynge of the said common tayle of the shire, where suche assessment shall be made. And after suche taxacion to name and appoint suche numbre of collectours for the leuieng therof, as shall seme best by their discrections. And that the saide collectours and euery of them shall haue power and auctorite to distreine euery suche person as shall be set or taxed by the saide Justices of peace as is afore saide in their landes or goodes, as well within liberties as without, and to sell the distresses by them taken by thapprayesement of .iiii. honests persons for the paiment of the saide sommes to be taxed, if the person or persons taxed refuse to pay the same within .x. daies nexte after suche distresse taken, takinge vpon euery such sale but onely the money taxed, with reasonable costes for takinge of the distresse: and the ouerplus of suche sales to be deliuered to the owner of the saide distresse. And that also the saide Justices of peace in euerie of the said shires, or the moste parte of them, within the limittes of their commission, shal haue power and auctoritee to name and appoint two honest persons inhabited in the saide shire, wherin they be Justices, which ii. persons shall survey, se, and p'ounde, that the saide tayles shall be surely and substancially made and finished: to whose handes the saide collectours shall pay and deliuer the money by them collected of the kinges subiectes by the appointment and assignement of the saide Justices of peace or .vi. of them at the least. And that as well euerie of the saide collectours as euery of the said .ii. persons to be named, their heires, executoues, and administratours shall declare a true and a iust accompt to the said Justices of peace in euerie of the said shires, or to .vi. of them at the least from time to time whan they shal be requised. And in case any of them refuse to make accompte, or refuse to pay and employ suche sommes of money as shall come to their handes, in suche wise as shall be limitted and appointed by the saide Justices of peace or .vi. of them (as is afore saide) that than the same Justices of peace or .vi. of them in euery shire, where suche tayles shall be new made, shall haue full power and auctoritie, if the saide offenders be present to commit them to warde, and if they be absent to make attachementes vnder their seales by their discrections against euerie suche collectour and person, to whose handes any of the saide sommes of money taxed shall happen to come, their heires executours and administratours and euery of them, into euery shire and parte of this realme, as well within liberties as without, to be returnable afore the saide Justices of peace, at suche day and place as by them shalbe appointed, and to be directed to the shireffe or shireffes of the shire, wherin the partie or parties, against whom suche attachement shalbe directed, shal be resident and abiding, if it be within the bayliwicks of the shireffe, and if it be without, than to be directed to the bayles of the liberter, wherein suche parties shall abide. And that euery shireffe and bailiffe of liberties,

to

to whose handes suche attachementes shall come, without fauour or corruption shall attache the saide offenders, and personally bringe them before the saide Justices accordyng to the tenour of thattachement to them directed, or els declare by his returne of the said attachement some reasonable cause why he can not so do, vpon peine for euery defaute by them or any of them committed contrarie to this acte to lose x. forfaite. C. s. to the kinges our souereigne lorde: and vpon the apparance of euery suche person so attached the said Justices or vi. of them shall haue full power and auctoritie to commit them to prison, there to remaine without baile or mainprise till they haue truely accompted and paide all such sommes of money as came to their handes by the assignement of the saide Justices by auctoritie of this acte. And in case there happen to remaine any ouerplus of money after the taples fully and wholly finished, than it is ordered, that the same ouerplus shalbe employde and bestowed in almes to the prisoners to be committed to the saide taple by the discretions of the saide Justices of peace or the more parte of them, as long as it will last.

Prouided alway, that this acte extende not to charge any persons inhabited within any cities townes or boroughes corporate, which haue common taples for felons taken in the same, & haue iustices of peace for deliuerance of such felons, for any taxes or lottes to the makinge of the saide common taples of any the shires above named, but that euery suche inhabitant in any suche citie towne or borough corporate shalbe vtterly discharged therof.

And be it further enacted that seuerall commissions vnder the kinges great seale, with this present acte thereto affixed, shall be directed to the Justices of peace of the shires afore named, auctorizing them to accomplishe and execute this present acte accordinge to the tenour therof in euery behalfe, and that the said Justices of peace in euery of the shires afore named haue power and auctoritie to limitte to euery of the saide collectours, and persons by them to be named, that shall take peines for leuieng of the money taxed or for the surueyeng of the makyng of the said taples, such reasonable sommes for their peines and labours for the collection of the sayde money and surueying the making of the said taples.

And be it enacted by the auctoritie aforesaid, that all murderers and felons shalbe emprisoned in the said common taples, and not els where. And that the shireffes shall haue the keping and charge of the same newe taples: and that euery shireffe be alowed vpon his accopt in the exchequer for all & euery such sommes of money as he shal hereafter happen to dispende in & about the necessarie reparacions or amendmentes of the said taples, after they be ones made from time to time as often as need shall require: and that the barons of the kinges exchequer haue power to alowe euery shireffe in euery suche case by their discretions without any bill or warrant to be sewed from the kinges highnes in that behalfe. Prouided alwaies that this acte be not in any wise hurtfull or preiudiciall to any person or

persons

persons hauing any common tayles by inheritance for terme of life or for yeres, but that they shall haue and enioy their said tayles and the profittes fees and commodities of the same as they had or might lawfully haue had before the makinge of this acte, and as if this acte had neuer ben had ne made.

¶ Be it further enacted by auctoritie aforesaid that like prouision in euerie behalfe be had for a new Gayle to be made within the countie of Derby in like fourme as is prouided for other shires aforesaide.

¶ An acte concerning periurie and punishement of vntrue verdictes. iii.

THe kinge our soueraigne lorde of his most godly and gracious disposicion calling to his remembrance how that periurie in this lande is in manyfolde causes by vnreasonable meanes detestably vsed to the disheritaunce and greate damage of many and great nombre of his subiectes, well disposed, and to the most highe displeasure of almightie god. The good statutes against all officers hauyng returne of writtes & their deputies making panelles partially for rewardes to them geuen, against vnlawfull maintenours embracours and Jurours, and against Jurours vntruely geuinge their verdicts not withstandinge: For reformacion whereof, and for as muche as the late noble king Henrie the fourth, prouided remedie for the same by a statute made in the .xi. yere of his reigne, whiche statute is now expired. Be it therfore now enacted by the king our soueraigne lorde and the lordes spirituall and temporall and the commons in this present parliament assembled, and by auctoritie of the same that vppon euerie vntrue verdicte hereafter geuen betwext partie and partie, in ante suite, playnte, or demaunde, before anye Justices or Judges of recorde, where the thinge in demaunde and verdicte thereupon geuen extendeth to the value of xl. li. and concernethnot the iooperdie of mans life, the partie greeued by the same verdicte shall haue a writte of atteint against euery person hereafter so geuing an vntrew verdicte and euery of them, and against the partie, whiche shall haue iudgement vppon the same verdicte. And that in the same atteint, there shall be awarded against the petit Jurie, the partie, and the graunde Jurie Sommons Raloin and distresse infinite, whiche graunde Jurie shall be of like nombre as the graunde Jurie is nowe in atteinte, and euery of them, that shall passe in the same, shall haue landes and tenementes to the value of fourtie marches by the yere of freeholde out of the auncient demeane. And vppon the distresse whiche shall bee deliuered of recorde vppon the same open proclamacion to bee made in the courte there, The distresse shall bee awarded more than fiftene daies afore the retourne

of

of the same distresse, and euery suche distresse shall be made vpon the lande of euery of the saide graunde Jurie as in other distresse is & hathbeen vsed. And if the saide partie defendant or the petite Jurours or any of them appere not vpon the distresse, than the graunde Jurie to betaken against hym and euery of them that shall so make defaute. And if any of the said petit Jurie appere, than the partie complainaunt in that behalfe shall assigne the false verement of the first verdicte untruely geuen, wherunto they of the petite Jurie shall haue none answere, if they be the same persons, and the writte proces returne and assignement good and lawfull, except that the demaundant or pleintife in the same Attaint hath afore him nonsute or discontinued his sute of attaint taken for the same, or hath for the same verdit in a writte of attaynt had, iudgement against the saide petite iurie, but only that they made trewe verement, wherin he issue shall be tried by .xxiiii. of the saide graunde iurie, and the partie shal pleade, that they gaue trew verdicte, or any other matter, whiche shall be a sufficient Barre of the saide attaynt. And that plee not withstanding the graunde iurie to be taken without delay to enquere whether the fierste iurie gaue trew verdicte or no.

And if they finde that the saide petite iurie gaue an untrew verdicte, than euery of the saide petit iurie to forfaite .xx. li. whereof the one half shall be to the kinge our soueraigne lorde, and the other half to the partie that sueth.

And ouer that, that euery of the saide petite iurie shall seuerally make fine and raunsome by the discretion of the Justices, before whome the said false verement shall be founde after their seuerall offences defautes and insufficiencie of euery of the saide petite Jurie. And after that, that they of the said petite iurie so attainted shall neuer after be in any credence, nor their othe accepted in any courte. And if suche plee as the partie pleadeth, whiche is a Barre of the saide attaint, be founde or deemed against him that so pleadeth, than the partie that so sueth shall haue iudgement to be restored to that he lost with his reasonable costes and damages.

Prouided alway that any priuate action or cause personall, or excommengement pleded or alleged in the partie pleintife or demaundant shalbe taken but as voyde plee, and to that he shall not be put to answere. And that in all the aforesaide processe suche day shall be geuen as in a writte of Dower, and none essoyne or protection to lie nor to be allowed in the same. And if the sayde graunde iurie appere not vpon the first distresse had against them, so that the iurie for their defaute doo remaine, he that maketh defaute shall forfaite to the kinge .xx. s. and vpon the seconde distresse .xl. s. and after making defaute for euery such defaute .x. li. And like penalties and forfaitures to be against them and euery of them that shall be named in the Tales, as is afore expressed against euery of the saide graunde Jurie aforesaide. And that for and by the deathe of the partie or any of the saide petitiurie, the saide attaint shall not abate nor be defeated against the remenant, as longe as two of the saide petite Juris be alive.

And

¶ And if hereafter any falle verdicte be geuen in any action suite or demaunde afore any Justice or iudge of recorde of any thinge personall, as dette, trespas and other like, whiche shall be vnder the value of .xl. li. that than the partie greued shall haue attein̄t with suche proces & pleas as is afore rehersed, and delais to be taken away as is afore remembred: except that in this case of attein̄t euery person of the graunde iurie that may dispende .x. marke by the yere of freholde out of ancient demene, or is worth an hundred marke of goodes and cattels, shalbe able to passe in the same attein̄t. And if the petit iurie be attemted, that than they shal in this case of attein̄t euery of them to forfait .x. li. whereof one halfe shall be to the kynge, and the other halfe to the partie, after the forme afore rehersed, & ouer that to make fine and ransome by the discretion of the Justices, as is aforesaid.

¶ And if there be not persons of suche sufficience within the shire or place where any of the said attein̄tes shall be taken, as may passe in the same: be it ordeined by the auctorite above said, that than one Tales shal be awarded into the shire nexte adioinyng by the discretion of the Justices, afore whom ȳ same attein̄tes shalbe taken, which shalbe warned to appere vpō like peine as is aforesaid, and enabled to passe in the said attein̄tes, as if they were dwelling in the shire, where the same attein̄t shalbe taken. And that the same lawes action and remedie ordeined by this preſent act be kept for and to all them that shalbe greeued by suche untrue verdites of any inheritance, in discent reuertion remaindre, or of any freholde in reuertion or remaindre. And if the partie in attein̄t giuen by this act be nonsuite, or the same discontinue, that than the same partie so nonsuite or so discōtinuing the said attein̄t make fine and ransome by the discretion of the iustices afore whom the said attein̄t shall be taken and depending.

¶ And that all attein̄tes hereafter to be taken, shalbe taken afore the king in his benche, or afore the iustices of the comun place and in none other courtes. And that Nisi prius shalbe granted by discretion of the iustices vpon the distres, and euery of the saide petit iury may appere & answer by attourney in the saide attein̄t. And that the moite of the saide forfaiture of the petite iurie shalbe leued to thuse of our souereigne lorde by Capias ad satisfaciend. or Fieri fac. or Elegit, or by action of det against euery person of the petit iurie so forfaitinge, and against his executours & administratours hauing thā sufficient goodes of their said testatour not administred and the other moitie shall by like proceſſe be leued to the vse of the partie that sueth any attein̄t geuen by this acte against euery of the sayde petite iurie and his executours or administratours, hauinge thā sufficience of goodes as is aforesaid not administred: and the iudgement of restitucion to the partie greued suing this acte & execucion of the same to be had, & like iugemēt for the partie defendent or trōāt to be discharged of restitucion, as afore this preſent act in case of a grand attein̄t hath ben vsed. and if there be diuers pleintifes or demaundantes in attein̄t, that the nonsuite or reſeſſe

of

of any of them shall not be in any wise hurtful or prejudicial to the residue, but that they and every of them in suche cases may be sued and sustened like as it is vsed when there by diues demandantes in actions reall.

¶ Be it also ordened & enacted by thauctorite aboue said, þ in every writ of atteint hereafter to be taken by or vpon this acte, the which shalbe such as other writtes of atteint be, and after the Teste of the same writ shall be written these wordes in latin: Per statut. editum. Vsq; anno regni tertiodecimo illustrissimi Henr. octaui dei gratia Anglie & Frãc. regis, fidei defens. & domini Hiber.

¶ And it is also enacted, that this acte shall take effecte for verdictes hereafter to be geuen and to continue to the last day of the next parliament.

¶ Prouided alway, that this acte be not prejudiciall to a statute made in the .xi. yere of the late king of famous memorie Henry the .vii. for punishement of periurie in vntrue verdictes geuen in plaines sued in the courtes of the citie of London, but that it shall be at the libertie of all persons for and vpon any vntrue verdict giuen in any courtes of the same citie, to sue their atteint vpon this statute, or els vpon the saide statute made in the saide .xi. yere at their owne pleasures and willes.

¶ An acte that no brewers of bere or ale shall make their barrels kilderkins nor firkins within them, and howe muche the same barrels kilderkins and firkins shall contein. viii.

Where the ale brewers and bere brewers of this realme of Englande haue vsed & daily do vse for their owne singuler lucre profit & gaine to make in their owne houses their barrels kilderkins & firkins of much lesse quantitie, content rate and assise than they ought to be, to the greate hurte preiudice and damage of the kinges liege people, and contrarie to diuers actes statutes auncient lawes & customes heretofore made had and vsed & to the distruction of the poore craft or misterie of coupers. For reformacion whereof be it enacted by the king our soueraigne lorde, the lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctorite of the same, that no bere brewer nor ale brewer, that shall brewe to sale bere or ale shall from henceforth occupy by him self, nor by any other to his vse in his house nor els where the misterie or craft of coupers, nor make any barrels kilderkins syrkins or other vessels by him selfe, nor by his or their owne seruantes, whereby they shall put their bere or ale to sale, but that all suche barrels kilderkins and other vessels of woode, wherewith they shall put their bere or ale to sale, shall from henceforth be made & marked according as hereafter shalbe expressed by the cõmon artificers of coupers exercised & practised in the said occupacion, vpon peine to forfaite & pay for euery such barrell kilderkin firkin or other vessel, hereafter to be made cõtrarie to þ trewe of this act .iii.s. viii.d.

And

¶ Provide it also enacted, that every artificer of the craft or mistery of coupers, that well expertise or practise to make any of the said vessels for bere or ale to be put to sale, shall make the same vessels and every of them of good and sufficient wood, and put his proper mark upon every of them. And that every barrell for bere shall contein .xxxvi. gallons, every kilderkin for bere .xviii. gallons, and every firkin for bere nine gallons of the kinges standerde gallon. And that every barrell for ale shall contein xxxii. gallons, every kilderkin for ale .xvi. gallons, and every firkin for ale viii. gallons of the kinges standerd gallon. So that they shall be of good and iuste measure, of ales above and not under. Also that no couper shall make any other vessell for bere or ale to be solde within this realme of anie greatter or lesser number of gallons than is aboue saide, unles he shall cause to be marked upon every such vessell, that he shall so make of greatter or lesser number of gallons, the true and certaine number of accordinge gallons as every suche other vessell shall contein, to thentent that every person may knowe the content therof.

¶ And that no suche artificer of coupers shall enhaunce the prices of anye suche barrells kilderkins firkins or other vessels in the sale of them to anie ale brewer or bere brewer or other persone, but kepe the rates of such prices as hereafter ensueth, and not above upon peyne to forfaite for everie barrell kilderkin and firkin defectiue or enhaunced in price in anye ponte contrarie to this acte .iii. s. iiii. d. That is to sai for every bere barrell .ix. d. for everybere kilderkin .v. d. and for every bere firkin .iii. d. And the ale barrell .x. d. and the ale kilderkin .v. d. and the ale firkin .iii. d.

¶ And be it further enacted by the said auctoritie, that no bere brewer nor ale brewer at anie time after the feaste of Lammas nowe nexte comminge shall put their bere or ale to sale to anye person or persons to be spente and occupied within this realme in anye other barrelles, kilderkins, firkins, or other vessels of woodde, other then shall be made and marked by an artificer of coupers aboue saide, whereof every barrell for bere shall contein and holde .xxxvi. gallons, every halfe barrell or kilderkin .xviii. gallons, and every firkin .ix. galons. And every barrell for ale shall contein .xxxii. galons, every kilderkin .xvi. galons, and every firkin .viii. gallons of full and iuste measure of aboue, and not under that measure. And that every bere brewer and ale brewer shall not take ouer and above for every suche barrell kilderkin or firkin of ale and bere, but after suche prices and rates as shall be thought conuenient and sufficiente by the discretions of the Justices of peace within every shire, where suche bere brewer and ale brewer shall dwell without anie citie borowe or towne corporate; but ere no head officers, as mayors, bailiffes, shiriffes, and other head officers haue none auctoritie nor rule, in euery citie borowe and towne where there be maiors shiriffes or other head officers, the same rates & prices to be named and tessed by them & every of them by their discretions. And that the saide

ale brewers or bere brewers at any time hereafter shall not selle theyr bere nor ale at anie higher rates or prices than shall be to them assigned after the fourme aboue rehersed, upon peine to lose and forfaite for euery barrell so put to sale contrary to this statute. vi. s. for euery halfe barrell or kilderkyn. iii. s. viii. d. and for euery firkyn. ii. s. and for euery vessell containge greatter number of gallons. x. s. and for euery other vessell containyng lesser number of gallons. viii. d. The one halfe of all the which penalties and forfaitures to be to the kynge our soueraigne lorde, and the other halfe to him that will sue for the same, by accion of dette bylle plaint or information in anye of the kinges courtes, in whiche accion and suite the defendant shall not wage his lawe, nor anie essoine, protection, or pruilege to be admitted.

¶ Be it also further enacted by the saide auctoritie, that all maner of sope makers within this realme of Englande, whiche shall put to sale anye sope by barrell halfe barrell fyrkyn or other vessell, shall from Lammas nexte nexte cōming make or cause to be made their barrels halfe barrels firkins and other vessels accordinge to the rates contentes weightes and assises of olde time vsed and accustomed, that is to saie, euery emptie barrell to holde and conteigne. xxxii. gallons or aboue, and to be in weighe. xx vi. pounder, and not aboue of full and iust measure: and euerie halfe barrell empty to be in weighe. xiii. li. and not aboue, and to holde and conteine. xvi. gallons or aboue: and euery firkin empte to weie. vi. pounder and an halfe and not aboue, and to holde and conteine viii. gallons or aboue. upon peine of forfaiture for euery suche barrell halfe barrell firkin or other vessell hereafter to be made had or vsed contrarie to this acte. xx. s. and d.

¶ And also be it enacted by the auctoritie aforesaide, that the wardens of thoccupacion or mistirie of coupers within the citie of London from henceforth at all times hereafter when they shall thinke conuenient & expedient, taking with them an officer of the maiers, shall haue full power and auctoritie by vertue of this acte, to serche viewe and gage all maner of suche barrelles kilderkins firkins and other vessells to be made or occupied for ale bere and sope to be put to sale within the citie of London, and suburbes of the same, and within two myles compas without the same suburbes, to viewe, and se that the same barrels kilderkins firkins and other vessels, as wel within liberties as without be made and marked wel and sufficiently, and beare and contein their true contentes rates and measures accordyng to theffect of this statute: And also to marke euery suche barrell kilderkin firkin and other vessell by them so viewed and gaged bearing & conteinyng their true contentes, with the signe & token of saint Antonies crosse. The same wardens to haue for the serche and gaging of euery such barrel kilderkin firkin and other vessell by them so serched viewed gaged & marked one ferthing, and not aboue, of the owners or makers of the said vessels. And shall and may haue auctoritie by vertue of this acte to entre &

euery

euery suche vessell as they shall so gage sarche and marke, vnto suche time as they shall be satisfied thereof. And in case they shall fynde any of the saide vessells defective, not bearynge theis true contentes, that then by auctorite of this acte they maie seale take and seruyse euery such vessell, and cause the same to be marked or amended accordynge to the trewe content, as the cause the same to be requyred. And also the partie owner of such vessell to lose and forfaite for euery such vessell not bringe of the full contentes after the rate about expressed. xii. d. to be recouered and employde as is aboue saide.

¶ And be it further enacted by the saide auctorite, that in all other cities boroughes and townes, wherin no suche wardens of coupers be, that the maiors shyriffes bailifes constables or other head officers in suche cities boroughes and townes shall haue power and auctorite to serche viewe and gauge all suche barrells hyderkins fyrkins and other vessells to be made hereafter in any suche cite borough or towne, and to haue and take all such auauntage therby and in lyke maner and fourme as the wardens of coupers within the cite of London or other persons by this acte shulde or may haue or take on euery behalfe.

¶ Prouided alwaies, that euery bere brewer may kepe in his house one of the seruauntes of the mistere or craft of coupers, to hoope and amende his barrelles kilderkins fyrkins and other vessells, wherein they shall put their bere to sale from time to time, this acte or any thing therin contained to the contrarie in any wise not withstandynge.

¶ And be it further enacted by the saide auctorite, that if any persone at any time after the saide feaste of Lammas next cummynge, doe cause or procure to be manufied anye maner of vessell hyderkin or fyrkin to the decete of ame the kinges subiectes by reason of takynge out the head of ame suche vessell, or takynge out of ame vessell out or from ame such vessell, that than euerie suche vessell to be forfaite, and thoffender to forfaite for euerie suche offence. iii. s. iiii. d. the one moitie therof, to be to the kynge our soueraigne lorde, and thother moitie therof to him or them of the kinges subiectes that woll sue for the same, to be recouered in maner and fourme aboue rehersed. And the partie so offendynge to be further punished by the discrecion of the head officer or officers, before whom such defaultes shalbe presented.

¶ It is enacted by the auctorite of this presente parliamente, that not withstandinge anie thinge contegned in the acte of brewers and coupers, wherunto this Cedule is annexed, it shall be lefull to euerye brewer mencioned in the same acte, to haue and retaine in his seruice one persone of the mistere or craft of coupers, to exercise in his seruice the craft of a couper, onlie in bindinge hoopynge and pumynge his maisters vessells vsed by the saide acte, and in none otherwise to vse or exercise anie makynge of vesselles concerninge the craft or mistere of a couper,

whiles that he is in the feruice of any ale brewer. Also it is enacted, that euery couper, whiche hereafter shall make ony ale vessell (certified in the sayde acte) shall from the feast of Pentecost next commynge make euery suche vessell accordynge to the assise specified in the treatise called Compositio mensuratum, that is to saie euerie barrell for ale containe .xxxvi. gallons of the saide assise or above, of the which .viii. gallons make the common bushell to be vsed in this realme of England, euery kylderkin for ale .xvi. galons of the saide assise or above, and euerie firkin .viii. gallons of assise or above, vpon peyne of forfaiture of .iii.s. viii.d. for euerye of the same vessels by him vntrewely made contrary to this acte: the one half of the same forfaiture to be to the kynge, and thother to hym that will sue for the same by action of dette bylle plaint writte or otherwise, In whiche action none essoyne protection or wager of lawe shall be allowed.

¶ And be it also enacted, that euery couper make his vessel with his owne marke, vpon peyne of .iii.s. viii.d. to be leuied and recouered after like maner and forme as is aboue saide. And that no maner of person in the seruice makynge for the true gaugyng of any suche vessels, shall put out the ale of ante such vessell, whereby the same ale shalbe the worse. And that it shall be lawfull to euery ale brewer to bynge carte and cause to be brought and caried their ale to the householdes of our soueraigne lorde the kynge, the queene, the princes, and to euerie archebyshoppes, byshoppes, dukes, marshelles, Erles, barons, or other honorable mennes houses in tonnes, buttes, pypes, hoggesheades, or other vessels of greatter or larger quantitie than is expressed in this present act, as before time hath ben vsed in that behalfe. And also it shall be lefull to the saide ale brewers to bynge carte or cause to be brought conueyde or caryed their ale to euerie mans house in barrelles hylderkyns and fyrkyns bearynge and holdyng their trewe contentes accordynge to the purporte and effecte of this present acte, any thynge contened in the same acte to the contrary hereof not withstandinge.

¶ A generall acte concerninge commissions of sewers to be directed in all parties within this realme. D.

OUr soueraigne lorde the kyng like a vertuous and most gracious prince, nothing erthly so highly weyng as the aduancyng of the cõmon profite weith e cõmodite of this his realme, cõsidering the daily great damages e losses, which haue happened in many e diuers parties of this his said realme, as well by the rage of the outragious flowing surges e course of the sea, as vpon marsh grounds e other low places heretofore through politike wisedome deuised and made profitable for the great common welth of this realme,

as also by occasion of lande waters and other outragious flyinges in and vpon medowes pastures and other lowe groundes adioyninge to ryuers stodes, and other waters courses: And ouer that by and throughe myllis mylldammes weares fysshgarthes hedels gotes gootes sludgates sockes and other impedimentes in and vppon the same ryuers and other waters courses, to be inestimable damages of the common wealth of this realme, whiche daily is likelye more and more to encrease, onelesse spedie redresse and remedie be in this behalfe shortly prouided: wherein all be it that diuers and many prouisions haue bene before this time made and ordeined, yet none of them are sufficiente remedie for reformacion of the premisses, hath therfore by deliberate aduyse and assent of his lordes spirituall and temporall, and also his louinge commons in this presente parliamente assembled ordeyned establyshed and enacted, that commissions of sewers and other the premisses shall be directed in all parties within this realme from time to time, where and when nede shall require accordinge to the maner fourme tenour and effecte hereafter ensuinge, to suche substanciall and indifferent persons as shall be named by the lord Chancellour and lord Treasorer of England, and the two chiefe Justices for the tyme beynge, or by three of them, whereof the lorde Chauncellour to be one.

Henry the. viii. &c. Knowe ye that for as muche as the walles dyches bankes gutteres sewers gotes calcetes bridges stremes and other defenses by the costes of the sea, and marshe grounde beynge and lyenge within the limittes of. B. or C. in the countie or counties of or in the borders or confines of the same, by rage of the sea, flowynge and reflowynge, and by meane of the trenches of freshe waters descendynge and haynge course by diuers wayes to the sea, be so dirupte lacerate and broken, And also the common passages of shyppes balengers and botes in the ryuers streames and other sludges within the limittes of. B. or. C. in the countie or counties of or in the borders or confines of the same by meane of lettinge vp erectynge and makynge of streames mylnes bridges pondes fysshegarthes mylldammes lokkes hebbynge weres hecches and sludgates, or otherlyke lettes impedimentes or annoiaunces be letted or interrupted, So that great and inestimable damage for defaute of reparacion of the saide walles dyches bankes fenses sewers gootes gutteres calcetes bridges and streames, And also by meane of lettynge vp erectynge makynge and enlargeynge of the sayde fysshegarthes mylldammes lockes hebbynge weares hecches sludgates and other lyke annoiaunces in tymes paste, hath happened, and yet is to be feared, that farre greatter hurte losse and damage is lyke to ensue, onelesse that spedie remedie be prouided in that behalfe. We therfore for that by reason of our dignitie and prerogatiue royall we be bounde to prouide for the safetie and preseruacion of our realme of England, willing that spedie remedie be had in the premisses, haue assigned

pou and sixe of pou, of the whiche we wyll that A. B. and C. shall be three to be our Justices to surveye the saide walles stremes diches bankes gutters sewers gotes caleets bridges trenches mulnes mylnepits flud gates pondes lockes hebbing weres and other impedaments letes and annoiaunces afore saide, and the same cause to be made erected repaired amended put downe or reformed, as cause shall requyre after pour wisdomes and discretions, And therein as well ordeine and do after the fourme tenour and effecte of all and singular the estatutes and ordenances made before the first date of Marche in the xxiii. yere of our reigne, touching the premisses or ame of them, as also to enquire by the othes of the honeste and lawfull men of the saide shire or shires place or places, where suche defautes or anoiaunces be, as well within the libertes as without (by whom the trouth may the rather be knowen) through whose defaute the saide hurtes and damages haue happened, and who hath or holdeth ante landes or tenements or cõmon of pasture or profite of fishinge, or hath or may haue any hurte losse or disauauntage by ame maner of meanes in the saide places, as well nere to the saide daungers letes and impedimentes as inhabiting or dwellynge there aboutes by the said walles diches bankes gutters gotes sewers trenches and other the said impedimentes and anoyaunces. And all those persons and every of them to tare assesse charge distreine and punysshe as well within the metes, lymitter and boundes of olde time accustomed or otherwise as els where within our realme of Englande, after the quantitie of their landes tenementes and rentes by the noumbre of acres and perches, after the rate of euery persones portion tenure or profite; or after the quantitie of their commune of pasture or profyte of fyshynge or other commodities there by suche waies and meanes and in such maner and fourme, as to pou sr. bi. of pou, whereof the said A. B. and C. to be three, shall seme moste conuenient to be ordeined and done for redresse and reformacion to be had in the premisses: And also to reforme repayre and amende the saide walles diches bankes gutters sewers gotes caleets bridges stremes and other the premisses in all places nedefull: and the same as often and where nede shall be to make newe, And to clense and purge the trenches sewers and diches in all places necessarie, And further to reforme amende prostrate and ouerthrowe all suche mylles stremes pondes lockes fyshgarthes hebbynge weares and other impedimentes and anoyaunces afore saide, as shall be founde by inquision or by yaure surueynge and distresses to be excessiue or hurtfull. And also to depute and assigne diligente faithfull and trewe kepers bailiffes surueyours collectours expenditours and other ministers and officers for the sauetie conseruacion reparacion reformacion and makynge of the premisses and euery of them, and to here the accompte of the collectours and other ministers of and for the receite and leyenge out of the money that shall be leuied and payde in and aboute the makynge repayringe reformynge and

amen-

amending of the saide walles dyches bankes, gutters, gotes, sewers cal-
ceis, bridges, streames, trenches, milles, pondes, lockes, fishegarthes, fluid
gates and other impedimentes and anoysaunce aforesaide. And to
distreine for the arrerages of euery suche collection taxe or assesse as of-
ten as shall be expedient, or otherwise to punisshe the nertours and deteri-
nors of the same by fines amerciamentes peines or other like meanes after
your good discretions. And also to arrest and take as many cartes, hor-
ses, oxen, beastes, and other instrumentes necessarie, and as many worke
men and labourers as for the said workes and reparation shall suffice, pay-
ing for the same competent wages salarie and stipende in that behalfe:
And also take suche as many trees, woodes, underwoodes and timber and
other necessaries as for the same workes and reparations shall be sufficie-
ent at a reasonable price by you or suche of you, of the which we will that
A. B. and C. shall be three to be assessed or limitted as well within the limites
and boundes aforesaide, as in any other place within the saide countie or
counties nere unto the saide places: and to make and ordeine statutes
ordenances and provisions from time to time as the case shall require,
for the sauegarde, conservacion, redresse, correction and reformacion of the
premisses and of euery of them, and the parties lieng to the same neces-
sarie and behoueful after the lawes and customes of Romney marshe,
in the countie of Kent, or otherwise, by any waies or meanes after your
owne wisedomes and discretions. And to here and determine all and sin-
gular the premisses, as well at our suite as at the suite of any other what so
euer, complaininge before you or .iii. of you: whereof A. B. and C. shall be
three, after the lawes and customes aforesaide, or otherwise by any other
waies and meanes after your discretions. And also to make and direct all
writtes preceptes, warrantes, or other commandemētes by vertue of these
presentes, to all shrieffes, bailiffes, and all other ministers, officers, and
other persons, as well within liberties as without, before you or suche of
you, whereof the said A. B. and C. to be three, at certayne dates, termes,
and places to bee prefixed, to be returned and receyued. And further to con-
tinue the proces of the same, and finally to doo all and euery thinge and
thinges, as shall be requisite for the due execucion of the premisses by all
waies and meanes after your discretions. And therfore we commaunde
you that at certeine dates and places, whan and where ye or suche of you,
whereof the saide A. B. and C. to be three, shall thinke expedient, ye do sur-
uey the saide walles, fenses, dyches, bankes, gutters, gotes, sewers, caleris
pondes, bridges, riuers, streames, water courses, milnes, lockes, trenches,
fisshegarthes, fludgates and other theletters impedimētes and anoysāces
aforesaide, and accomplisshed fulfill here and determine all and singular
the premisses in due fourme and to theffecte aforesaide, after your good
discretions: And all suche as ye shall finde negligent gainsaying or rebel-
linge in the said workes, reparations or reformacion of the premisses, or

negli-

negligent in the due execution of this our commission, that ye doo compel them by distresse fines and amerciamentes, or by other punishementes waies or meanes, whiche to you or eyther of you, wherof the saide I. D. and C. shall be three, shall seeme most expedient for the spedie remedie redresse & reformacion of the premisses and due execution of the same. And all suche thinges as by you shall be made and ordered in this behalf, as well within liberties as without, that ye doo cause the same firmely to be observed, doing therin as to our Justices appurteineth after the lawes and statutes of this our realme and according to your wisedomes and discrecions. Saued alwaies to bs suche fines and amerciamentes as to bs therof shal belonge. And we also commaunde our shyrefe or shyrefes of our said countie or counties of that they shall cause to come before you or eyther of you, of the whiche I. D. and C. shall be three, at suche dates and places as ye shall appoint to them suche and as many honest men of his or their baliwiche as well within the liberties as without, by whom the trouth may bette be knowen, to inquire of the premisses. Commaundinge also all other ministers and officers as well within libertie as without, that they and every of them shall be attendant to you in and about the due execution of this our commission. In witnesse wherof we haue caused these our letters patentes to be made. Witnesse our selfe at Westm the day of in the yere of our reigne.

¶ And it is also enacted, that every suche person as shall be named Commissioner in the saide Commission, after he hath knowledge therof, shall effectually put his diligence and attendance in and about the execution of the saide commission. And before he shall take vpon him the execution of the saide commission, he shall take a corporall othe before the lorde Chancelor, or before suche to whome the saide lorde chancelor shall directe the kinges writte of Dedimus potestatem, to take the same, or before the Justices of the peace in the quarter sessions holden in the shire where such commission shall be directed: the tenor of whiche othe hereafter ensueth.

¶ Ye shall swere, that you to your cunning witte and power shall truely and indifferently execute the auctorite to you geven by this commission of Sewers without any fauour affection corruption dyede or malice to be borne to any maner person or persones: And as the case shall require ye shall consent and endeuour your selfe for your parte to the best of your knowledge and power to the makinge of suche holsome wise equall and indifferent lawes and ordinances, as shal be made and deuised by the most discrete and indifferent nombre of your felowes being in commission with you for the due redresse reformacion and amendement of all and euerie suche thinges, as are contained and specified in the saide commission: and the same lawes and ordinances to your cunning witte and power cause to be put in due execution, without fauour mede dyede malice or affection as god you helpe and all saintes.

And

And it is also enacted by the auctoritie aforesaide, that all and euery statute acte and ordenance heretofore made concerning the premisses or any of them, as well in the time of our soueraigne lorde the kynge that now is, as in the time of any of his progenitours kinges of this realme of Englande, not being contrarie to this presente acte, nor here after repelled, from henceforth shall stande and be good and effectuall for euer, and to be put in due execution according to the trewe meanynge and purporte of the same.

¶ And ouer that be it enacted, that the commissioners here after to be named in any of the saide commissions according to the purporte and effecte of the same commissions, haue full power and auctoritie to make constitute and ordeine lawes ordenances and decrees, and further to doo all and euery thinge mencioned in the said commission according to the purporte effecte wordes and trewe meanynge of the same, And the same lawes and ordenances so made to reforme repell and amende, and make newe from time to time, as the cases necessary shal require in that behalfe.

¶ Prouided alway and it is enacted, that if any person or persons being assessed or taxed to any lot or charge for any landes tenementes or hereditamentes within the limittes of any commission hereafter to be directed, do not pay the said lot and charge according to the ordenance and assignement of the commissioners, hauinge power of execucion of the sayde commission: by reason whereof it shall happen the said commissioners hauing power of execucion of suche commission, for lacke of paiement of suche lotte and charge to decree and ordeine the same landes tenementes and hereditamentes from the owner or owners therof and their heires & the heires of euery of them, to any person or persons for terme of yeres, terme of life in fee simple or in taile for payement of the same lotte & charge, that than euery such decree and ordenance so by them made ingrossed in parchement, and certified, vnder their seales into the kinges courte of Chancerie, with the kinges roiall assent had to the same, shal binde al and euery person and persons, that at the making of the same decree had any interest in suche landes, tenementes, or hereditamentes, in ble possession reuercion or remaindre their heires and feoffes and euery of them, & not to be in any wise reformed oneles it be by auctoritie of parliament hereafter to be sommoned and holden within this realme.

¶ And also it is prouided by auctoritie aforesaide, that the same lawes, ordenaūces and decrees to be made and ordeined by the said cōmissioners or suche of them by auctoritie of the said commission shall bynde as well the landes tenementes and hereditamentes of the kinge our soueraigne lorde as al and euery other person and persones and their heires for suche their interest as they shall fortune to haue or may haue in any landes tenementes, or hereditamentes or other casuall profite aduantage or commoditie what so euer they be, wherunto the sayde lawes ordenances and decrees shall

shall in any wise extende accordinge to the trewe purport meaninge and intent of the same lawes.

¶ And it is furthermore by the auctorite afore said ordeyned established and enacted, that if any maner of person or persons of what estate or degree so ever he or they be of, that from henceforth doth take upon him or them to sit by vertue of any of the saide commissions, not being before sworne in maner as is aforesaide, and accordinge to the tenour of the other aforerehersed: Or if any person so named and sworne doo sitte as is afore said not having landes and tenementes or other hereditamentes in fee simple, fee tayle or for terme of life to the clere yerely value of xl. mr. thes above all charges to his owne use, except he be valiant and free of any cite burghe or towne corporate, and have monable substance of the clere value of one hundred pounds, or els be learned in the lawes of this realme in and concerninge the same, that is to sate admitted in one of the foure principall Innes of courte for an utter barrester, shall forfaite forty pounds for every time that he shall attempte so to doo: the one halfe thereof to be to our soueraigne lorde the kinge, and the other halfe thereof to the use of hym or them that will sue therefore by action of dette bill plaint or information in any of the kinges courtes: in which the action or suite no wager of law shall be admitted, nor any essoyne or protection shal be allowed. And if any action of trespas or other suite shall happen to be attempted against any person or persons for taking of any distresse or any other act doing by auctorite of the commission, or by auctorite of any lawes or ordinaunces made by vertue of the saide commission, the defendant or defendantes in any such action shall and may make auctorite coulsance or justification for the taking of the same distresse, or other acte doing touchinge the premisses or any of them, alleging in suche abouesaide coulsance or justification, that the said distresse trespas or other acte, wherof the plaintif complaineth, was done by auctorite of the commission of Sewers for lotte or tare assised by the saide commission, or for suche other acte or cause, as the saide defendant did by auctorite of the same commission and accordinge to the tenour purporte and effecte of this present acte made the xxiiii. yere of the reigne of our soueraigne lorde kinge Henrie the eight without any expressinge or rehersall of any other matter or circumstance contened in this present acte, or any commission lawes statutes or ordinances thereupon to be made, wherupo the plaintif shall be admitted to replie, that the defendant did take the said distresse or doo any other acte or trespas supposed in his declaracion of his owne wronge without any suche cause alleged by the saide defendaunte, wherupon the issue in every suche action shall be ioyned to be tried by dewte of twelue men, and not otherwise, as is accustomed in other personall actions. And upon the triall of that issue the whole matter to be geuen on bothe parties in euidence accordinge to the verie trouthe of the same.

And

And after suche issue tried for the defendant or nonsute of the plaintif after appearance, the same defendant to recouer treble damages by reason of his wrongfull vexacion in that behalfe with his costes also in that parte susteined, and that to be assessed by the same iurie, or inquest to enquire of damages, as the cause shall require.

¶ And it is also enacted, that euery of the saide commissioners shall haue and perceiue foure shillinges for euery day that they shall take peyne in the execucion of the commission of Oyers, and one clerke by them to be assigned .x.s. for euery day, of the rates, taxes lottes and wayues that shall be assessed or lotte by auctorite of the sayde commission, and to be leuied and paide by their discrecions. And that the saide commissioners, or fiue of them shall haue power and auctorite to limite and assigne of the same rates taxes lottes and waiues by their discrecions suche reasonable summes of money to the saide clerke for writynge of bookes and graces concernyng the premisses, and to the collectours expenditours and suche other as shall take paine in the due execucion of the saide commission, as by the discrecions of the saide commissioners or .iii. of them shall be thought conuenable.

¶ Prouyded alway that whan so euer and as often as suche Commission, as is afore limitted, shall be made and directed to any person or persons for the reformacion and amendement of or in any of the premisses specified in the said commission within the fre liberties or possession of the duchie of Lancaster, that than suche commissioners as shall execute any suche Commission shalbe alwaies named and appointed by the discrecio of the lorde Chauncelor and lorde Treasourer of Englande and the sayde two right Iustices of either benche, and the Chauncelor of the sayde duchie for the time being, or three of them, whereof the said lorde Chauncelor and the Chauncelor of the duchie to be two. And that in euery suche case two commissions shall be awarded and made according to the tenour of the commission afore expressed, one therof vnder the great seale of Englande, and the other vnder the seale of the same duchie, as before time hath ben accustomed, any thing afore reherced in this present acte to the contrary herof not withstanding.

¶ And it is further enacted, that the saide commissions from time to time, as the case shall require, shall be had and obteined without any money or other charge to be paide for the seales or wrytinge of the same, exsepte it be to the lorde .ii.s. vi.d. for the seale of euery commission, as hath be accustomed; and for the writing and enrolling of any one commission .x.s. and not aboue.

¶ And it is further enacted, that euery cõmission to be made by auctorite of this acte shal endure & continue for the terme of three yeres, next after the Teste of the commission. Neuertheles after any commission made and deliuered out of the kinges courte of chauncery, the kinges highnes shall

shall alwaies at his pleasure by his writte of Supersedias, out of the saide court of Chancery, at any time discharge as well every such commission as every commissioner that shall be made & named by auctorite of this acte. After whyche discharge the saide commissioners shall have no power nor auctorite to proceede in the execucion of their comission, nor in anything by auctorite of this acte.

Provided alwaies, that suche lawes actes decrees and ordinances as shall happen to be made by the said commissioners according to the tenour of their commission or by auctorite of this acte, shall stande good and effectuall and be put in due execucion so long time as their commission endureth and no longer: Except the said lawes and ordinances be made and ingrossed in parchement, and certified under the seales of the said commissioners into the kinges courte of Chancerie and than the kinges royall assent be had to the same: any thinge wherein in this present acte to the contrarie hereof not withstanding.

Provided also that whan so ever and as often as such commission as is afore limitted shall be made and directed to any person or persons for the reformacion and amendement of or in any of the premisses specified in the said commission within the fees liberties and possessions of the principalite of wales, the countie palantine of Chester, or within the fees liberties and possessions of any other place, where there is libertie and iurisdiction of countie palantine, that in every suche case two commissions shall be warranted and made according to the tenor of the commission above expressed, one therof under the great seale of England, and the other under the signall seale of the countie palantine in maner and fourme as is above prouided for the duchie of Lancaster, any thing alege reherced in this present acte to the contrarie not withstanding.

And it is prouided and also enacted, that the royall assent limitted to be had unto the lawes and ordinances to be made by the said commissioners, as is above said, shall be certified into the saide courte of Chauncerie under the kinges priue seale: And that there shall not any some of money be paide for the same priue seale, but for the writing of the same certificat under the said priue seale shalbe paide to the writer therof .vi.s. and not above nor no other nor greater summe for any thing touching or concerninge the same certificat under the same priue seale.

Provided alwaies, that the chauncellours and such other as shall have the custodie of the seales of the said principalite of wales or the countie palantine of Chester, or within the fees liberties and possessions of any other place, where there is libertie and iurisdiction of countie palantine, upon reasonable request, and upon the sight of the commission under the kinges greate seale of his Chauncerie, shall without delay make out an other commission under the seale of the said countie palantine accordynge to the tenor of the kinges comission to them shewed under his greate seale.

And

And to those commissioners as shall be named by the lorde Chancellour, lorde Treasurer, and the two chefe Justices, or by three of them, whereof the lorde Chancellor to be one, except it be within the fees and liberties of the duchie of Lancaster, within whiche fees and lyberties the commissioners shall be named and commissions made, as is also ordeyned by this acte, anye thynge conteyned in the saide acte, or in any proviso therevnto added and annexed to the contrarye therof not withstandynge. This acte to endure for .xx. yeres.

¶ An acte concernyng before whom recognisances of dettes shalbe made, and the fourme of the obligation. vi.

FOr as muche as the maires of the Stapull in dyvers places of this realme, where any Stapull is kepte, in the presence of the constables of the same Stapull before this tyme have and might lawfully take recognisance or knowlege for dettes, onely concernynge and touchynge the marchaundise of the same Stapull, betwixte marchaunt and marchant of the same Stapull, according to diuers laudable statutes and provisions before this tyme had ordeyned and made. Whiche mayres and constables many and sundry times syns the makynge of the same statute have taken dyvers recognisances and knowleges of diuers of the kynges subiectes for dettes, surmysynge the same knowlege or recognisance to be made for suretie of paiemente of summes of money for suche wares as were or ben boughte in the same Staple: where of trouth the same recognisance dyd not in any wise touch or concerne the marchandise of the same, ne also the parties, that is to say the cognisor ne the cognisee, that did knowlege and take the same recognisances, were marchantes of the same Staple: whiche recognisances and knowleges taken in fourme aforesaide are not onely clere contrarie to the trewe meanynge and entente of the same former statutes, but also thereby diuerse great and sundre inconveniences damages and deceptes do dayly ryse and growe to diuers of the subiectes of our soueraigne lorde the kyng, by reason of the misdoynge of the same. And for as muche as the kynges highnes of his most high wysdome perceiueth the mysdoyng and execucion of the same to be contrary to the fourme of the saide former statutes. Therfore his pleasure is, that some trewe lawfull and reasonable bond for suretie of paiemente of the saide dettes of his subiectes shall be made and deuised by trewe and iust meanes, whiche in like wise may and shal purporte right and equitie and also conformant to reason.

¶ In consideracion wherof, by thassent of the kynges highnes, his lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctorite of the same, it is enacted ordeyned and stablished, that from the first day of Aprill next comming the chefe Justice

of the kynges benche and the chiefe Justice of the common plate, whiche nowe be or at anie time hereafter shall be, and eurie of them by him selfe, and in their absence out of the terme the maire of the Stapul at Westminster and the recorder of the citie of London for tyme beynge seuerally to gether by his or their discretion shal haue full power and auctorite to take recognisances or knowleges of euery of the kinges subiectes for the paymente of dettes according to suche forme as here after ensueth.

¶ Nouerint vniuersi per præsent. me A.B. & D.C. arming teneri & firmiter obligari Iohanni at Style in C. li. sterling. soluend. eidem Iohanni aut suo cert. attornat. hoc scriptum ostend. hered. vel execut. suis in tal. fest. &c. proxi. futur. post dat. præsentium. Et si deficero vel defecerimus in solutione debit. prædict. volo & concedo, vel sic, Volumus & concedimus, quod tunc currat super me hæred. & executores meos, vel super nos & quemlibet nostrum hæred. & execut. nostros pœna in statuto Stapulæ de debit. pro marchandisis in eadem emptis recuperand. ordinat. & prouis. Dat. tal. die Anno regni regis. &c.

¶ And that euery obligacion that shall be made, as is afore saide, and knowleged before anie of the saide three Justices, or the saide maire and recorder according vnto this acte, shall be sealed with the seale of the parte or parties, that shall recognise or knowlege the same, and also with suche seale as the kinges highnes shall ordeine and appointe for the same, and with the seale of one suche of the said Justices, or with the seales of the said maire and recorder, with his or their name or names subscribed, that so shall take the same recognisance or knowlege. And that euery of the saide two Justices, and the saide maire and recorder shall haue the custodie of one suche seale by the kinges highnes to be appointed, with one suche parte scripture and facion, whiche shall seuerally remayne with them in their aboue rehersed.

¶ And further be it enacted by the auctorite aforesaide, that suche an honest and discrete person, as shall be assigned by the kinges highnes, or the sufficient deputie or deputies of the same person so to be assigned, shall make write all suche obligacions, as shal be knowleged and recognised by auctorite of this acte, and shall cause the same obligacions recognised & knowleged in forme as is aboue saide, to be enrolled in two seuerall rolles indented, whereof one shall remaine with suche of the saide Justices or with the said maire and recorder, that so shall take the same recognisance in forme aforesaid, and the other rol with the maire there for, appointed for the same. And that the saide person by the kinges highnes to be appointed for makynge writynge and enrollynge suche obligacions, or his sufficient deputie or deputies shall be dwellinge or abydinge in the saide citie of London, vpon peine to forfaite for euery time that he and his deputie shall be absent by the space of two daies, ten pounde.

¶ And further it is enacted by auctorite aforesaid, that the saide person so to be assigned by the kinges highnes to write make and enroll suche obligacions

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gacions or his sufficient deputie or deputies, at the request of the creditours their executours or administratours shall certifie suche obligacions as shal be taken and recognised by auctorite of this acte, into the kinges courte of Chauncerie under the seale of the said person so to be appointed for writinge making & enrolling such obligacions. And that every person & persons, to whom any suche obligacion shalbe made knowleged & enrolled (as is aforesaide) their executours & administratours, & the executours & administratours of every of them for defaute of paiment of the dettes conteined in suche obligacions shal haue in every point degree & condicion ayenst the same erogatour and recognisors and every of them, their heires executours and administratours, & the heyres executours and administratours of every of them like proces execucion comodite and advauntage in every behalfe, as hath ben vsed and accustomed before this time to be had done or made of and vpon any obligacion of the statute of the Stapull, and vnder suche maner and fourme as is for the same statute of the Stapull prouided, payenge for suche proces and execucion to be had suche like fees as is accustomed for proces and execucion to be had vpon obligacions of the same statute of the Stapull and not above. And that every suche person and persones that shall be bounden or otherwise greued by vertue of any obligacion to be made by auctorite of this acte, shall haue their like remedy by Iustis querela, and all other remedies in the lawe, that they myght haue had, in case they had ben bounden by obligacion of the statute of the Stapull. And that every suche person and persons that shall hyre proces for execucion to be had by reason of any suche obligacion to be made and knowleged according to this acte, shall pay to the kinges highnes, his heires or successours at the tyme of enseallynge of the proces for execucion to be had, one halfpeny for every pounde that shall be conteined in the obligacion, wherevpon execucion shall be required and not above. And that every suche person and persons that shall happen to haue any execucion of any landes tenementes or hereditamentes by reason of any such obligacions to be made and knowleged (as is aboue saide) their executours administratours or assignes, and the executours administratours and assignes of every of them, if they or any of them ben put out or displeyed, shall haue like remedie in every point & condition as persons hauing execucion made vpon any statute of the Stapull, after execucion to them had, may or myght haue by vertue of the said saying obligatorie of the statute of the Stapull and execucion of the same.

¶ And further be it enacted by the auctorite aforesaide, that every of the saide Iustices and the saide mayre and recorder, before whom any suche obligacions shall be recognised, shall take for every knowlege of every one suche recognisance. iii. s. iiii. d. and not above: And the clerke that shall write make and enroll the same obligacions, iii. s. iiii. d. And for the Certificat of every one suche obligacion. xx. d. And if any of the saide Iustices, maire, recorder, or clerke take of any of the kinges subiec-

tes bowe the somme or sommes to them limitted by this statute, that than the saide Justices maire recorder or clerke, that so shall take contrary to the forme aforesaid, shall forfait for euery time so offendyng fourtie poundes.

¶ And further it is enacted by the auctoritie aforesaide, that from the said feaste daie of Aprell no maire or constable of the Stapull, for the payment of anie somme or sommes of money take any knowlege or recognisaunce of the said statute of the stapull, of any of the kinges subiectes, vpō peyne to forfaite for euery time so offendyng. xl. li. The one moitie of all and singuler the saide penalties to be to the kinges highnes, and the other moitie to the partie that will sue for the same. For the recouerie wherof the partie that will pursue shall haue his remedie by information action of dette bylle or plainte in anie of the kinges courtes: in whiche no essoine protection nor wager of lawe shalbe admitted.

¶ Prouided alwaie, that this acte nor anie thinge therin conteyned be in anie wise prejudiciall or hurtfull to anie maire and constables of the Stapull for anie bonde or writinge of the statute of the stapull to be taken or receiued betweene marchantes being free of the same stapull, for marchandise of the same stapull betweene them lawfully bought and solde.

¶ Prouided also and be it enacted by thauctoritie aforesaide, that all recognisances before this time taken before the maire and constables of anie of the said stapuls, wherof the sommes now be not paide or otherwise contented lawfully anoyded or discharged by the lawe, shall be as good and effectuall as though they had ben verily made for marchandise of the same stapull and betweene marchant and marchant of the same stapul, and as they shuld haue bene, if this acte had neuer ben had ne made.

¶ An acte that the statutes made for the maintenaunce of the Navie of this realme shall stande in full strength, and howe Gascoine and frenche wynes shall be brought in, and the same and other wines solde. xii.

Where for the maintenaunce and good continuance of the Navye of this realme of Englande it was ordeyned and enacted by a statute made in the .v. yere of the reygne of the right noble kynge Richarde the seconde, that none of the kinges liege people shuld shyppe marchandise in anie other shyppe than in an englyshe shyppe, vpon payne of forfaiture of the saide marchandise so shipped. And after that by an other statute made in the .xi. yere of the saide noble kynge it was enacted, that for defaute of englishe shyppes euery man might ship their marchandise in straungers shippes. And after that at a parliament holden at Westm. in the .viii. yere of the late noble kinge of famous memorie kynge Henry the .vi. it was ordeined and enacted, that no person shulde carie or bringe anie wynes of Gascoyne or Guyen or Tolous vpon into Englande

Wales

wales Irelande Calice, or the marches therof, or Barwike, but all only in shippes of England Wales Ireland Calice or the marches therof or Barwike: And that the maister & mariners of the same shippes for the moste part of them shuld be of the same countreis, vpon peyne of forfaiture of the said wyne & Obe, as by the said good estatutes more at large is expressed. And not withstandinge the saide good estatutes, yet neuertheles the Nauie of this realme, and the multitude of the shippes of the same, whiche tofore this time hath bene not onely a great defense & suretie to this realme of England in time of warre, but also a high commoditie to al the subiectes of the same for trasporting and conueyance of marchandises in and from this realme, is nowe mervaylously decaied and empayred: and by occasion therof a greatte multitude of the kinges liege people, whiche were maisters and mariners of shyppes, and by the exercise therof they their wyues and children had their liuinge, be nowe mynyshed and empouerysshed in suche wise, that within fewe yeres there shall be fewe englysshe men that shall be experte in the seas, to the great perill of this realme and decaie of the people of the same, if remedie be not prouided in this behalfe. In consideracion wherof the kinges moste royall maieste, of his moste excellent goodnes, hauinge tender respecte to the reformacion of the premisses, is contented and pleased, that it be enacted by his highnes, and the lordes spirituall and temporall, and the commons in this presents parlyament assembled, and by auctorite of the same, that the said estatutes and euery thinge in them conteined shall stonde in their full strength force and effecte, so that from henseforth no persone shall attempte to do contrarie to the tenours of anie of the saide estatutes, vppon the peynes conteyned in the same.

And it is further enacted by auctorite aforesaide, that no maner of person or persons shall discharge and lay on lande out of anie ship or shyppes, or other vessell or vessels any wynes of Gascoyne or Guyon, or any maner of frenche wynes at any hauen port creke or other place within this realme of Englande Irelande wales or the marches of the same at anie time hereafter betwene the feastes of saint Michaell the archangell & the purificacion of our lady, vpon peyne of forfaiture of the saide wynes so brought in and discharged & leyde on lande at anie time hereafter betwene the said feastes contrary to this acte. The one halfe of whiche forfaiture to be to the kinge our soueraigne lorde, & the other halfe therof to such of the kings subiectes as shall seale or sue for the same by action of detinue or det after the rate of the value therof by originall writ bill plainte or informacion in anie of the kynges courtes. In which actions and suites the defendant shal not be admitted to wage his lawe, nor any protection or essoin shalbe allowed.

And it is further enacted by auctorite aforesaid, that no person after the feaste of the purification of our lady, whiche shall be in the yere of our lorde god, M. D. xxxii. shall sell by retayle any of the saide wynes aboue viii. li.

the gallon, that is to sai a peny the pinte, two pence the quarte, foure pence the potell, and eyght pence the galon, vppon peine of forfaiture for euerie pynt to be solde aboue the saide price .iiii. d. and for euerie quarte solde aboue the saide price. viii. d. and for euery pottell so solde aboue the said price xii. d. and for euery galon so solde aboue the saide price aforе limitted. ii. s. And that no malmeseis Romeneis sackes nor other sweete wynes, after the saide feaste shalbe rateled aboue .xii. d. the galon. vi. d. potell, iii. d. the quarte and. i. d. ob. the pinte, vpon peine to lose and forfaite. iii. s. iiii. d. for euery gallon. xx. d. for euery pottell xii. d. for euery quart, and vi. d. for euery pinte, that shall be solde contrarie to this acte.

¶ Prouided alwaie that the lorde Chancelor, lorde Treasourer, lorde president of the kinges moste honorable counsaile, lorde priuie seale, & the. ii. chiefe Justices of either benche, or. v. iiii. or iii. of them, shall haue power and auctoritie by their discreasions to set the prices of all kinde of wynes, that is to saie of the prices of the butte tonne pype hoggeshead puncheon teers barrell or rondlet whan it shall be solde in grosse, so that they or iii. of them cause the prices by them sette to be written, and open proclamacion therof to be made in the kings courte of Chancery openly in the terme tyme, or elles in the citie borowe or towne where anie suche wynes shall be solde in grosse, any thinge conteined in this acte to the contrary hereof notwithstandynge.

¶ And it is further enacted, that if anie persone or persones, after suche prices be sette and put in writinge by the saide lorde Chancelor, lorde Treasorer, lorde president of the kinges moste honorable counsaile, lorde priuie seale, and the two chiefe Justices, or by. v. iiii. or iii. of them, and proclamacion therof had as is aforesaide, do sell anie wynes in grosse by anie fraude or coune contrarie to the said prices so set and proclaimed, that than euery offender in that behalfe shal lose and forfaite for euery vessell by them solde in grosse contrarie to the saide prices. xl. s. The one halfe of all which forfaitures to be to the kinge our soueraigne lorde, and the other halfe ther of, if it be within any citie borowe or towne corporate, to be to the maires shireffes baliffes or other head rulers of suche cities borowes or townes corporate: and if it be without citie borowe or towne corporate, than to be to such of the kinges subiectes as will sue for the same. And that euery such forfaiture shall be recouered by originall writ of dette bill playnt or informacion. In which suite no wager of lawe shalbe admitted nor any protection or essoyne allowed.

¶ And it is also enacted, that the Justices of peace in euery shire of this presente realme, and all maires shireffes bayliffes and other head officers in cities borowes and townes corporate, that is to saie euerie of them with in the limittes of their commissions and auctorities, as well within franches as without, shall haue power and auctorite to examine here inquire and determine the defautes of suche as shall attempte to sell anie wynes

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in grosse or by retaile contrarie to this acte, And to punisshe the offenders by imprisonment or otherwise by their discrecions.

¶ Provided alwaie that if it fortune any ship or shippes, vessell, or vesseis laded with the saide wines of Gascoine or Guion or frenche wynes at any time hereafter to come to any porte, creke or hauen within this realme of Englande, Irelande, wales, or the marches of the same betwene the saide feastes of saint Michaell the archangell, and the purification of our lady, and than the vesseis conteining the said wines, or the shippe or other vessell or vesseis bearing the same, happen to fall in leke, that than it shall be lawfull to the owner or bringers therof, at all times betwene the saide feastes, to discharge the said wines out of any such ship vessel or vesseis for the saving of them. So that the said owner or owners of the said wines, so discharging the same, make no sale or other utterance of them at any time betwene the saide feast of saint Michael, and the said feast of the purificacion of our lady, any thinge conteined in this acte to the contrarie hereof not withstanding.

¶ And where as in the parliament holden at westm in the firste yere of the reigne of kynge Richarde the thirde, amonge other thinges it was established, ordeined and enacted, that euerie tonne of wine shoulde conteine. ¶ Clit. galons, euery butte of malmesie should conteine. cxxvi. galons euerie pipe. cxxvi. galons, euery tertian or poncheon. lxxxiii. galons, euery hoggeshed. lvii. galons, euery terce. xli. galons, and euery barrell. xxxi. galons and di, and euery rondlet. xviii. galons and di: And that no vessell should be put to sale till it were gauged, vpon peine of forfaiture, as by the same estatute it doth appere more at large. Neuertheiesse greate deceite is daily vsed in selling of wines and oyle in caskes and vesseis not bearyng the contentes aboue limitted to the great losse of the kinges poore subiectes. For remedie wherof be it enacted by the auctorite of this present parliament, that the saide estatute made in the first yere of kinge Richarde the thirde, and all other estatutes heretofore made for true gauging and measures of wines, oyles, honie, or any other licours, whiche estatutes before this time be not repelled nor expired, shall stande in their strength and vertue and be put in due execucion according to their tenors and effectes in euery behalfe.

¶ And ouer that be it enacted by auctorite of this present parliamẽt, that euery gaugeour within this realme shall truely and effectually within the limittes of his office gauge all the saide tonnes, buttes, pipes, ferces, poncheons, tertians, barrels, hoggesheades and rondlettes, and shall plainly & truely marke vpon the head of euery suche vessell the content of the same, vpon peine to forfaite to the partie, to whose vse the wine, oyle, or other thinge therin beinge shall be solde, foure times the value of that that the vessell so marked shall lacke of his lawfull content above writted. The same forfaiture to be recouered ouer and besides the costes of the suite by the

the kinges originall writte, or by bill in any of the kinges courtes of his common lawes, or in any competente courte hauing iurisdiction in the place, where that offence shall be committed, by action or bill of dette, in whiche action or iute none essoine, protection, nor wager of lawe shall be accepted, admitted, or allowed to the defendant or defendantes. And that euery marchant or other person fillinge the saide wine oyle or other thinge contened in the saide vessel marked, shall allowe of the price therof to the vier of the same for euery quantitie of wine, oyle, or other thing contened in the saide marked vessels, the full value of the lacke therof, beinge by reason of defaute of full gauge of the vessell, marked, or of defaute of fillinge the same vessell or by reason of defaute of any of them after the rate of the hole price of the wine, oyle, or other thinge so beinge solde by that vessell marked. And that vpon peine of forfaiture to the same vier the double value of the same vessell and wine, oyle or other thing therin being solde, the same forfaiture to be recouered to gether with the costes of the iute in maner and fourme as the forfaiture last before written is limitted to be recouered. This acte to continue vnto the laste day of the next parliament.

An acte concerning the amendinge and maintenance of the hauens and portes of Plimmouth, Dartmouth, Teingmouth, Falmouth and Fowey in the counties of Deuonshire and Cornewall. viii.

Peteously sheweth and complaineth vnto the kinge our soueraigne lorde, and to the lordes spirituall and temporall, and the commons in this present parliament assembled, the inhabitauntes of the townes and portes of Plimmouthe Dartmouth and Teingmouth in the countie of Deuonshire, Falmouth and Fowey in the countie of Cornewell, that where the saide portes haue ben in time past the principall and most cõmodious hauens and portes within this realme for the rode suertie and preseruacion of shippes resorting from all places of the worlde as well in perill of stormes as otherwise. For where before this time all maner of shippes being vnder the portage of viii. C. tonnes, resortinge vnto any of the saide portes or hauens might at the lowe water easely entre into the same, and there lie in suertie what winde or tempest so euer did blowe. By reason wherof not onely a greate multitude of shippes, as well of this realme as of other regions and countries before this time haue ben preserued and saued, but also in time of warre the saide hauens and portes haue ben the greatest fortification and defence of that part of this realme and the speciall preseruacion of the greate parte of the Nauie of the same: whiche saide portes and hauens been at this present time in

maner

maner vtterly decaide and dilfolde by meane of certaine tinne worke, called Streme worke, vsed by certaine persons with in the saide counties, whiche persons more regardinge their owne priuate lucre than the common welth and suretie of this realme, haue by workinge of the saide streme workes diggynge, fetchinge and washinge of the same nere vnto the freshe riuers, waters and lowe places, descendinge and commynge out of the lande towardes and in to the said portes and hauens to the sea, conueyed by the force of the saide freshe riuers aboundaunce great quantitee of sande, grauell, stone robell, earth, slume, and filthe in the saide portes and hauens, and haue so filled and choked the same, that where before this time a shippe of the portage of. viii. C. as is aforesaide, might haue easely entred at a lowe water into the same, now a shippe of a hundred can scantly entre at the haile floude, to the decay and vtter destruction of the saide hauens and portes, and also to the ruine and vtter vndoing of all the good townes within the saide counties of Deuonshire and Cornewall, if remedie be not in that case spedelie prounded. For reformacion whereof be it enacted by the kinge our soueraigne lorde, the lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctoritie of the same, that no person or persons hereafter shall labour or worke, or cause to be labored or wrought in any maner of tinne workes called Streme workes, within the said counties of Deuonshire or Cornewall nigh to any of the said freshe waters, riuers, or lowe places descendinge or hauinge course vnto the saide hauens or portes or any of them, nor shall labour, digge, or washe any tinne in any of the saide tinne workes called Streme workes, onelie the saide digger, owner, or washer, shall make or cause to be made sufficient hatches and ties in the ende of their buddels and cordes, and therin put and lay or cause to be put and layde all the lande stones, grauell and robell digged about the inferringe finding and washinge of the saide tinne, there to be wholly and surelie kepte, by the saide hatches and ties out and from the saide freshe riuers or water courses or any of them, so that the saide lande, stones, grauell, and robell, ne any parte therof be for lacke of suche hatches or ties conueied into the saide portes and hauens or any of them, vpon peine to forfaite for euerie time, that any owner or tinner shall digge or washe, or cause to be digged or washed any tinne contrarie to the fourme aforesaide, ten poundes. The one halfe therof to be to the vse of our soueraigne lorde the kynge, and the other halfe therof to be to any of the inhabitantes of the said porte townes or hauens that will sue for the same in any of the kinges courtes, by anguish writ, bill, plaint, information or otherwise, wherin the defendant shall not be admitted to wage his lawe, ne any protection or essoine shall be allowable.

¶ And be it further enacted by auctoritie aforesaide, that if any person or persons shal happen to be lard accused, indited, impeached, amerced, condemned

dempned or otherwise vexed or troubled in his person landes, tenementes, goods or catells by any of the ministers or officers of any the kinges courtes of Stannerie, or by any other person or persons for pursuynge or attempting any suite or action according to this statute, againe suche person or persons as shall offende contrarie to the fourme aforesaide, that than all suche suites, accusementes, enditementes, imprisonmentes actions, condemnactions, fines, amerciamentes, and euery other acte or actes to be done in any of the saide courtes of Stannery, or elswhere, by any person or persons againe any person or persons for suinge or attemptinge any suites or actions by vertue of this statute, shall be vtterly voide and of none effecte in the lawe. And that the parties sued, endited, accused, imprisoned, or otherwise greeued or molested, for pursuinge againe any person or persons offendinge this statute, shall haue his action and remedie grounded vpon this statute by originall writte, bill, plainte, informacion, or otherwise in any of the kinges courtes, againe suche as shall procure or attempte to vexe, trouble, or otherwise molest any such person or persons for suinge or pursuing for the forfaitures aforesaide: and shall recouer treble damages in that behalfe. And the parte defendant shall not be admitted to wage his lawe, ne any protection essoine nor priuilege shal be to him allowable. And if it shall happen any person or persons for pursuynge any suite or action vpon this statute or by occasion of the same vexacion to be imprisoned by any parties or person or persons, beyng officers or ministers of the Stannerie, their deputies or substitutes, that than euery of the Justices of peace within any of the counties aforesaide, wherein the saide prisoner shall happen to be committed to prison vpon credible information, therof taking knowledge by his discretion for appearance of such prisoner at the nexte generall sessions of peace, shall haue power and auctoritie as well to directe his warant to the gaolour or keper of the prison, as to any other person or persons, to whom the said prisoner shall be committed vnto, commaundinge him or them vpon paine of forfaiture of. xl. li. to deliuer and put at large the saide prisoner or prisoners: whiche if he refuse so to do, than euery such offender shall lose and forfaite the saide. xl. li. the one halfe of whiche forfaiture to be to the vse of oure soueraigne lorde the kinge, and the other halfe to him that is greeued by reason of suche imprisonement, to be recouered in maner and fourme aforesaid: And the defendant in any action or suite for the same shall not wage his lawe, ne haue any essoine or protection allowed. And if it shall appere vpon the apparaunce of suche prisoner at the quarter sessions by examinacion of the Justices of peace there beinge, that he was imprisoned contrary to the fourme of this statute, that than he shall be forthwith discharged and therby discharged. And if he were lawfully emprisoned for any other iuste cause, that to be remaunded to prison by the discretion of the saide Justices.

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Prouided alway that this acte or any thing therin conteined be not in any wise preiudiciall or hurtfull to any of the officers of the Stannery, ne to any of their lawfull libertes, priuileges, vsages, lawes, or customes, saunge onely in the cases and prouisions conteined and limitted within this present acte, whiche shall alway be put in execucion according to the tenor of this acte, any vsage custome, priuilege, ordinance or libertie to the contrarie therof notwithstanding.

And it is enacted, that this acte shall begynne to take effecte from the feast of saint Michaell the archangell next comming, and not before.

An acte that no person shall be cited out the diocese, where he or she dwelleth, except in certaine cases. If.

Where great numbre of the kinges subiectes, as well men, wiues, seruantes, as other the kinges subiectes dwelling in diuers dioceses of this realme of England and of wales, heretofore haue ben at many times called by Citacions & other processes compulsaries to appere in the archers audience & other high courtes of the archebishops of this realme, farre from and out of the diocese, where suche men, wiues, seruantes, & other the kinges subiectes ben inhabitant & dwelling, & many times to answer to surmised and feined causes and suites of delamacion, withholding of tithes and such other like causes and matters, whiche haue ben vsed more for malice and for vexacion, than for any iuste cause of suite.

And where certificat hath ben made by the somoner, apparitour, or ante liche lay lyt literat person that the partie against whome any liche Citacion hath ben awarded, hath be cited or somoned, and there vpon the same partie so certified to be cited or somoned, hath not appered according to the certificat, the same partie therfore hath ben excommunicated, or at the least suspended from all diuine seruice: and therupon before that he or she could be absolued, hath be compelled not onely to pay the fees of the courte, whereunto he or she was so called by citacion or other processe, amounting to the somme of .ii. s. or .xx. d. at the least; but also to paye to the somoner apparitour or other lay lyt literate person, by whome he or she was so certified to be sommoned, for euery mile beinge distant from the place where he or she then dwelled vnto the same courte, whereunto he or she was so cited somoned to appere, two pence, to the great vexacion of impouerisshement of the kinges subiectes, and to the great occasion of misbehauour and mispryse of wiues, women and seruauntes, and to the great impeirement & diminucion of their good names and honesties.

Be it therfore enacted by the kinge our souereigne lorde, with the assente of the lordes spirituall and temporall, and the comunes in this presente parliament assembled, and by auctorite of the same, that no maner person

shall

shall be from henceforthe cited or somoned or otherwise called to appere by him selfe or her selfe or by any procuratour before any ordinarie, archedeacon, commissarie, officiall or any other iudge spirituall out of the Diocese or peculiar iurisdiction, where the person, whiche shall be cited somoned or otherwise (as is aboue sayde) called, shall be inhabityng and dwelling at the time of awarding or goyng forth of the same citacion or somons: except that it shall be for in or vpon any of the cases or causes hereafter writen: that is to say for any spirituall offence or cause committed or done, or omitted, forfeited or neglected to be done contrary to right or dutie by the bishop, archedeacon commissarie, officiall or other person hauing spirituall iurisdiction, or being a spirituall iudge, or by any other person or persons within the Diocese or other iurisdiction, whereunto he or she shalbe cited, or otherwise lawfully called to appere and answere. And except also it shall be by or vpon matter or cause of appele, or for other lawfull cause, wherein any partie shall finde him selfe or her selfe greeued or wronged by the ordinarie, iudge, or iudges of the Diocese or iurisdiction, or by any of his substitutes officers or ministers after the matter or cause there first commensed and begonne, to be heard vnto the archebishop or bishop, or any other hauing peculiar iurisdiction, within whose prouince the Diocese or place peculiar is: or in case that the bishop or other immediate iudge or ordinarie dare not or will not commaunde the partie to be sued before him: or in case that the bishop of the Diocese, or the iudge of the place, within whose iurisdiction or before whome the suite by this act should be commensed and prosecuted be partie directly or indirectly to the matter or cause of the same suite: Or in case that any bishop, or any inferiour iudge hauing vnder him iurisdiction in his owne right and title, or by commission make request or instaunce to the archebishoppe, bishoppe or other superiour, ordinarie or iudge, to take, treate, examine or determine the matter before him or his substitute. And that to be done in cases otherwise where the Lawe Civile or Canon doth allowe, execution of suche request or instaunce of iurisdiction to be lawfull or tollerable, vpon peine of forfaiture to euerie person by any ordinarie commissarie, officiall, or substitute by vertue of his office, or at the suite of any persoune to be sued otherwise somoned or called contrarie to this acte, of double damages and costes for the vexation in that behalfe sustayned, to be recouered against any suche ordinarie commissarie, archedeacon, officiall, or other iudge, as shall awarde or make proces, or otherwise attempte or practise to doo anie thing contrarie to this acte, by action of det, or action vpon the case, according to the course of the commonlawe of this realme in any of the Kinges high courtes, or in any other competente temporall courte of record by originall writte of det re bille or plainte. In whiche actions no protection or other than suche as shalbe made vnder the Kinges greate seale, or signed with his signe manuell, shall be allowed, neither any wager

of

of lawe nor essoine shall be admitted. And vppon peyne of forfayture for euery person so somoned cited or otherwise called (as is aboue saide) to answere before any spirituall iudge out of the diocese or other iurisdiction where the saide persone so dwelleth, or is resident or abydynge, tenne pounds sterlinge. The one halfe therof to be to the kinge our soueraigne lorde, and the other halfe to ante person that will sue for the same in ante of the kinges saide courtes, or in any other the saide temporall courtes, by wrytte informacion bill or plainte. In whiche action no protection shall be allowed, nor wager of lawe nor essoine shalbe admitted.

¶ Prouided alwaies that it shall be lefull to euerie archebyshoppe of this realme to call vpte and summon any person or persons inhabiting or dwellynge in any byshops diocese within his prouince for causes of hereste, if the byshop or other ordinarie immediate therynto consente, or if that the same byshop or other immediate ordinarie or iudge do not his duetie in punisshement of the same.

¶ Prouided also that this acte maie not extende in ante wise to the prerogatiue of the moste reuerend father in god the archebyshop of Canturbury, or any of his successours or for callinge any person or persons out of the diocese where he or they be inhabitinge dwellyng or resident for probate of any testament or testamentes, any thing in this acte conteyned to the contrary not withstandinge.

¶ And be it further enacted by auctoritie aforesaid, that no archebusshoppe nor busshop ordinarie officiall commissarie or any other substitute or minister of any of the sayde archebyshops busshops archedeacons or other hauinge any spirituall iurisdiction, at ante time from the feaste of Easter tyll commynge shall aske, demaunde, take, or receiue of ante of the kings subiectes ante summe or summes of money for the seale of any citation, after the saide feast to be awarded or apteyned, than onely three pence sterling, vpon the peines and penalties before limitted, conteined & expressed in this present acte, to be in lyke fourme recouered as is aforesaide.

¶ Prouided alwaies that this acte be not in any wyse hurtfull or preiudyciall to the archebyshop of yorke, nor to his successours, of for or concernynge probate of testamentes within his prouince and iurisdiction by reason of ante prerogatiue, anye thynge in this acte to the contrary therof not withstandinge.

¶ An acte concerninge feoffementes and assurance of landes & tenementes made to the vse of any parysshe churche, chapell, or lyke. Cap. x.

Where by reason of feoffementes fynes recoueries & other estatutes & assurances made of truste of maners landes tenementes and hereditamentes

tamentes to the vse of parisshe churches chapels church wardens Guildes fraternities communalties companies or brotherheades erected and made of deuocion, or by common assent of the people without anye corporacion, and also by reason of feoffementes fines recoueries wylles and other actes made to any vses aforesayde, or to the vses and intentes to haue obites perpetuall or a continuall seruice of a preest for euer, or for .iii. score or .iiii. score yeres founden of thissues and profites of the manors landes tenementes & hereditamentes, wherof suche feoffementes fines recoueries wylles and other actes bene made, or that the feffees cosisees recouerers or other persons and their heires thereof seised, shall take leme receiue and perceiue or cause or suffre to be taken leuied and perceiued thissues reuennes and profytes thereof, and the same to dispose pay conuerte or otherwise employ or suffre or cause to be disposed payde conuerted or employde to ame suche vses intentes or purposes as bene aboue specified, or to ame other lyke vses or intentes: there groweth and issueth to the kynge our souereygne lorde, and to other lordes and subiectes of the realme, the same lyke losses and inconueniences, and is as muche preiudiciall to them, as dothe and is in case where landes be alienede into mortmaine. Be it therfore enacted by the kynge our souereigne lorde, the lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctorite of the same, that all and euerye suche vses intentes and purposes of what name nature or qualitie they shalde called, that shall be deuised coueuanted made declared or in any wyse ordeyned after the firste date of March in the .xxiii. yere of the reigne of our souereigne lorde kyng Henry the .viii. by any feffee recouerer or cosisee or by any other person or persons, to whose vse ame suche feffee recouerer or cosisee shall be seased of any manours landes tenementes or hereditaments, or of thissues reuenues and profites of them or ame of them, shalbe vtterly voyde and of no strength vertue nor effecte in the lawe.

Prouided alway that it shall be lawfull to euerie persone beynge seased of any manours landes tenementes or hereditamentes to his owne proper vse, or hauinge feoffees recouerees or cosisees to his vse, to make ordeyne or deuyse, or cause to be made ordeined or deuised any of the vses intentes or purposes aboue specified in suche maner as they mought haue done afore the makinge of this acte, and as if this acte had neuer be had ne made: So that none suche vses intentes or purposes to be made ordeyned or deuised after the sayde fyrste day of March, be not in any wise made ordeined deuised or appointed to endure continue or abyde by any craffte colour termes sentenses clauses wordes or other meanes, aboue the terme of .xx. yeres nexte after the fyrste makinge and begynning of ame suche vses intentes or purposes.

And it is further enacted, that if any person or persones in defraude of this estatute bynde or ordeyne ame theyr heires or successours or any other

person

persone or personnes, that they shall suffre suche vses intentes or purposes to endure and continue contrarie to this acte, vpon peines or penalties of losse of anie other landes tenementes or hereditamentes, or of anie other thinge or thinges, or do attempte or deuise by anie colour craft or meanes anie thinge or thinges to make anie suche vses intentes or purposes to bee declared, contrarie to the true meaninge of this acte, to continue or abide for anie longer time or season than is aboue limitted for the same: that than euerie suche peine penaltie craft colour and euerie other thinge and thinges, of what kinde nature or qualitie so euer it bee, that shall be so made or deuised or deuised to the fraude of this acte, shall be vtterly voyde in the lawe to all intentes. And that this statute shall be alwaies interpreted and expounded as beneficially as maie be to the destruction and vtter auoiding of suche vses intentes and purposes therein aboue remembred, and of all other lyke vses and intentes otherwise than plainely after suche maner as is afore by this present acte prouided.

¶ Prouided alwaie that in suche cities and townes corporate, where by their auncient customes they haue good and lawfull auctorities to deuise into mortmaine the landes tenementes & hereditamentes within the same cities or townes corporate, that this acte shall not be in anie wise preiudiciall or hurtfull to anie suche custome.

¶ Prouided alwaie that this acte ne anie thynge therin conteyned shall extend or be in anie wise preiudiciall to hinder or empeyre anie suche ordinaunces deuises or declarations of vses, as shall hereafter be made and declared in writinge by the executours of the testamentes and laste wylles of Roberte Iannis and John Terry, late aldermen of the citie of Glouchr, made deceased, or by the executours or the suruiuour of the executours of either of them, of anie landes tenementes or hereditamentes, not amountinge in the holl aboue the clere yerely value of .xl.li. to be employde and conuerted to and for the discharge of Tolles and Customes within the saide citie, and at the gates of the same, for the discharge of poore people within the same citie of Taxes and Tollages hereafter to be assessed and leuyed, and for the clensynge of the streetes of the same citie, or for anie of the saide good purposes, according to the verie intentes & meanynges of the saide laste wylles and testamentes, and of either of them: so that the same ordenances deuises and declinacions be had made and certified in writinge into the kinges courte of Chancery within two yeres next ensuynge the feaste of Saincte Michaell tharchaungell.

¶ An acte concerninge byrkinge of prysons by clerkes conuicte. xi.

Vpwhere diuers persons being conuicte of murder or felonie, hauing the priuilege of their clergy, and deliuered to the ordinaries, afterwardes

wilfully breke the prisons of the ordinaries and escape their wates, doyng and committinge great horrible and detestable offences; and as hytherto for suche wylfull brekinge of prisons of ordinaries by clerkes conicte hath not bene prouyded any great penaltie, whereby they shoulde stande in dred of doinge of the same. Be it therfore enacted by auctorite of this present parliament, that if anie clerke conicte beinge in prison of anie ordinarie, wilfully breake the said prison and escape his waie out of the same, that this euery suche breakinge of prison and escape shall be from henceforth demed and adiudged felonie, and the offender therin shall haue and suffre suche peine of death and penaltie, and lose of his landes and goodes, as for other felonies is accustomed by the lawes of this realme, and shall not in anywise be admitted to haue the priuilege or benefite of his clergie, nor emoye anie saintuarie for the same.

Prouided alwaie that if anie suche offender be within holy orders, that is to late of the ordres of subdeacon deacon or preest hode, that than after he is conicte of the premisses he shall be deliuered of the ordinarie, there to remaine without anie purgacion.

And it is enacted, that it shall be at the libertie of the ordinarie to degrade anye suche offender after he is founde guilty and deliuered to him, as a clerke conicte, and sende him before the kinge in his benche with letters wytnessinge the same degradinge, and therupon the Justices of the kinges benche, hauinge the recorde of his condicion, shall haue power and auctorite to geue iudgement against suche offender being conicte and degraded, that shall suffre death, lyke as they mought haue done in case the same offender had ben a laymā, and arreined and founde guilty afore them of the saide offence, the deliuerynge of suche offender afore to the ordinarie not withstandinge.

An acte for takynge exactions vpon the pathes of Seuerne. cap.

Where the kynges subiectes passynge vpon the ryuer and watur of Seuerne, haue vsed tyme out of mynde to haue and vse a certayne path of a foote and a half brode on euerie syde of the sayde ryuer for drawynge vp by lynes or ropes their strongbes barges botes and other vessells passinge or repassynge on the saide ryuer of Seuerne with wyne or anye other marchaundyse, without any impoticion taxe or tol to be demaunded of them that so shulde carie wyne in any of the said vessells for the saide passynge and drawynge in the said pathes accustomed, tyll nowe of late certaine couetous persons haue perturbed and interrupted manie of the kinges subiectes, passynge and drawynge by their vessels in the sayde pathes, takynge of them

fynes

fynes and dzaughtes and bottels of wyne, and yet dayly vse to take, to the disturbance and losse to many of the kinges subiectes.

¶ Be it therfore enacted by the kinge our soueraigne lorde, and the lordes spirituall and temporall, and the commons in this presente parliament assembled, that no persone or personnes interrupt by any obstacle lette or otherwyse any persone or personnes passyng or repassyng on and vpon euerie of the saide pathes accustomed, nor also aske take or demande any toll called a draught, or bottell of wyne, or any other taxe or imposicion of any of the kinges subiectes three goinge in the saide pathes accustomed, vpon euerie syde of the ryuer of Seuerne there halynge or drawinge their botes troughes or vessels, vpon peyne to forfaite for euery time that he or they so shall interrupte any of the kynges subiectes, or aske or take any suche imposicion, by what name so euer it be called. ¶ The one half therof to be to the kinge our soueraigne lorde, And the other half to the partie greued, that will sue for the same by bill playnt information or otherwise, in the which sute no essoyne wager of lawe nor protection shall be allowed.

¶ An acte that men in cities boroughes and townes, whiche be clerely worthe .xl. li. in goodes, shall passe in triall of murders. &c.

FOr as much as triall in murders and felonies in cities boroughes and townes corporate within this realme hauinge auctoritee to procede in the deliuerance of such offenders, hath often times deferred and delayed by reason of chalenge of suche offenders for lacke of sufficience of freholde, to the great hynderaunce of Iustice. It may therfore be enacted by auctoritie of this present parliamente, that euerie persone and personnes being the kinges naturall subiecte borne, which either by the name of a citezin or of a free man or any other name doth the enioye and vse the libertes and priuileges of anye citee borough or towne corporate, where he dwelleth and maketh his abode, hauynge worthe in moueable goodes and fuhll auncre to the clere value of .xl. poundes, be from henceforth be admytted in triall of murders and felonyes in euery sessions and gayles of deliuere to be kepte and holden in and for the liberte of such cities boroughes townes corporate, all be it they haue no freholde, any act statute vse custome or ordinance to the contrarie hereof not withstanding.

¶ Prouided alway, that this acte do not extende in any maner of wyse to any knyght or esquier dwellynge and resydynge in or to any such citee or borough be corporate, any thynge in the same act mencioned or declared to the contrary hereof not withstanding.

¶ Proces of outlary to lye in actions of anno. 5. R. ii. in couenaunt and annuitie. xviii.

FOr as muche as there is great delaies in actions of trespas brought vpon the statute of king Richard the second, made in the. v. yere of his reigne, agenst the that make entrees into any landes or tenementes, where their entre is not geuen by the law, And also in actions of annuitie & actions of couenaunt, because ther hath no proces of outlary in such nature of actions. For reformacion wherof it may please the kinges highnes, by the aduise of his lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctorite of the same, to ordeine and enacte, that lyke proces be had hereafter in euery action from henseforth to be brought vpon the saide statute of anne quinto, as is in a common action of trespas at the common lawe, and that also lyke proces be had in euery writte of annuitee and couenaunte hereafter to be sued, as in an action of dette.

¶ In acte that the defendant shall recouer costis ageinst the pleintife, if the pleintife be nonsuited, or if the verdicte passe agaynste hym. xix.

BE it enacted by the kynge our soueraigne lorde, and the lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctorite of the same, that if any person or persons at any time after the feast of the purificacio of our lady, in the xxiii. yere of the reigne of our soueraigne lorde kinge Henrie the viii. comence or sue in ame court of recorde or els where in ame other courte, ame action bille or plaint of trespas vpon the statute of kyng Richarde the seconde, made in the .v. yere of his reigne, for entrees in to landes and tenementes, where none entre is geuen by the lawe, or any action bill or plaint of dette or couenaunt vppon any especialtee, made to the pleintife or pleintifes, or vpon any contracte supposed to be made betweene the pleintife or pleintifes, and ame person or persons, or any action bill or plainte of detinue of any goodes or cartels, wherof the plaintife or plaintifes shall suppose, that the propertie belongeth to them or to any of them, or any action bill or pleint of accompt, in the which the pleintife or pleintifes suppose the defendaunte or defendauntes to be their baylyffe or baliffes, receiuour, or receiuours of their money mese money or goodes to yelde accompte, or any action by bille or plainte vpon the case, or vpon any statute for any offence or wrong personall immediatly supposed to be done to the pleintife or pleintifes, & the pleintife or plaintifes in ame such

kinde

kinde of action, bill, or plaint after apparaunce of the defendant or defendauntes be nonsuited, or that any verdicte happen to passe by lawfull trial, against the plaintife or plauntifes in any suche action, bill, or pleinte: that than the defendaunt or defendauntes in euery suche action, bill, or pleynt, shall haue iudgement to recouer his costes against euery suche pleintife or pleintifes. And that to be assessed and taxed by the discrecion of the iudge or iudges of the court, where any suche action, bill, or pleint shall be commensed sued or taken. And also that euery defendant in suche action, bill, or plaint shall haue suche proces and execucion for the recouere and hauing of his costes against ye plaintife or plauntifes, as the same plaintif or pleantifes should or ought haue had against the defendant or defendantes, in case that iudgement had been gruen for the parte of the saide pleintife or plauntifes in any suche action, bill, or plaint.

Prouided alway that all and euery suche poore person or persons being pleintife or pleintifes in any of the saide actions, billes, or plaintes, whiche at the commensement of their suites or actions be admitted by discrecion of the iudge or iudges, where suche suites or actions shall be pursued or taken, to haue their procesle and counsaile of charitie without any money or fee paying for the same, shall not be compelled to pay any costes by vertue or force of this estatute, but shall suffre other punisshement, as by the discrecion of the iustices or iudge, afore whome suche suites shall depende, shalbe thought reasonable, any thing afore rehersed to the contary herof not withstanding.

An acte that no englisshe man shall sell exchange or deliuer to be conueide into Scotlande any horse, gelding, or mare without the kinges licence. xvi.

Where before this time diuers of the kinges subiectes, and namely of the Northe parties of this realme, as well in time of peace as of warre, haue solde and deliuered out of this realme into Scotland many and diuers great multitude of horses, geldinges, and mares whiche hath been thought not onely greate occasion strength and boldnes to the Scottishmen, hauinge in possession the same horses geldinges and mares in time of warre to inuade this realme, to the great detriment and hindraunce of the kinges poore subiectes of this his realme, but also a great enfebling of the kinges saide subiectes in the defence of the same.

Be it therfore enacted by auctorite of this present parliament, that if any person or persons after the feast of saint George the martir next comming sell, exchage or deliuer within their realm of Scotlād or in any place or ground called the batable grounde betwene England and Scotland,

to

to the vse of any Scottisshe man any horse geldinge or mare without li-
cence obteined of the kinges highnes by his letters patentes vnder his
great seale so to do, or sell exchange or deliuer to any Scottisshemen with-
in this realme of Englande wales the towne of Barwike, or marches of
the same or in any of the saide batable grounde, to thentent to be conueied
into Scotlande, any horse geldinge or mare without speciall licence ob-
teined of the kinges highnes by his letters patentes vnder his great seale
so to do: that then the same sale exchaunge or deliuere of suche horse gel-
dinge or mare contrarie to this present acte shalbe adiuged and deemed by
the law felony as well in the seller exchaunger or deliuerer, as also in him
or them to whome the same sale exchaunge or deliuere shall be made. And
that it shall be lefull as well to the warden and wardens of the east west &
middell marches for the time being, in their wardeu courtes, as also to the
kinges Justices of his peace in their quarter sessions in euery shyre of this
realme, to enquire, here, and determine all and euery suche felonies, after
like maner as is vsed in other felonies at the common lawe, whether the
same sales, exchanges, or deliuerys be made had or done by any person or
persons contrarie to this acte in the realme of Scotlande or in any parte
of the saide batable grounde, or within the realme of England, Wales,
Barwike or marches of the same. And that it shalbe lefull to euery person
and persons, beyng the kinges subiectes, and inhabityng in the forsaide
marches for ayenst Scotlande, to arrest any Scottisshman leadynge or
conueyng any such horse, geldinge or mare out of this realme into the said
realme of Scotland: and that the moitie or one halfe of the price of the
saide horse, geldinge, or mare, shalbe to the vse of the kyllour and arrestour
of the same after due triall of the same made: And the other moitie to the
kinges highnes.

¶ An acte concerning the true winding of wolles. cxlv.

BE it enacted by the king our soueraigne lorde and the
lordes spirituall and temporall, with the comunes in
this present parliament assembled, and by auctorite of
the same, that from henceforth no maner person ne
persons do winde or cause to be wounde any fleesse of
wolle beinge not sufficiently rented or washed, ne
winde or cause to be wounde within any fleesse, clay,
leede, stones, sande, tailes, deceiptefull lockes, cotte, tailles, combe, lumpes
wolle, or any other thinge, wherby the fleesse may be the more weightie,
to the discrete and losse of the vser, vppon peine the seller of any suche
deceiptefull wolles to forfaite for euerie suche fleesse. vi. d. the one moitie to
the kinge, the other to the finder and prouer of the same before, by ac-
tion of dette by original writte bille plaint misformation or otherwise in

any

any of the kinges courtes, in whiche accion no wager of lawe essoyne no protection shall be allowed to the defendaunt.

Prouided alwey that this acte concernyng tourring and washinge of any woll shal not in anie wise extende to any shire or shires, the inhabitaun tes whereof hath not customably vsed before this time to ryuer or washe their sheepe alyue they be shorne, nor shall in any wise be hurtfull or preiudiciall to any person or persons, that hath vsed customablie to sell their welles by tale or nombre of the fleese or fleeces and not by weight, anything in this acte to the contrarie not withstanding. This acte to endure tyll the next parliament.

An acte concerning pullinge downe and avoiding of fishgarthes piles, stakes, beches, and other ingins set in the ryuer and water of Ouse and Humbre. xviii.

THe maire, shiriffes, and communaltie of the citee of yorke & other the kinges true subiectes inhabityng and dwellyng nigh vnto the ryuer of Ouse, and the water of Humbre, & all other occupiers of the same ryuer and water, lamentably complaynynge, shewen vnto our soueraigne lorde the king, the lordes spirituall and temporall and the commons, in this present parliament assembled, that where the saide citie beinge one of the most ancient cities of this realme, hath ben much reuined, maintened, and supported by the saide ryuer of Ouse and water of Hūbre, which be the common and directe passage and way from Hull vnto yorke afore saide, by reason that many shippes, keles, cogges, and botes, & other vessels haue heretofore had their franke passages without let, impediment, or interruption, in and vpon the saide ryuer and water of Ouse and Humbre from diuers parties of this realme vnto the said citie, whereby the said citie hath hitherto most chiefly ben aduaunced. And now of late certayne persons studieng onely for their owne priuate lucre, not regardinge the common weale, but dayly imagining the vtter destruction ruine & decaie of the saide citie and the countres adioyning vpon the said ryuer of Ouse and water of Humbre, and occupiers therof, hath and dayly doo kepe preserue and maintaine certaine ingins for takinge of fishe in the saide ryuer and water of Ouse and Humbre commonly called fishegarthes, and set in the saide ryuer and water in suche places of the same: where shippes should haue their liberall and direct passage in the middes of the streme of the saide ryuer of Ouse and water of Humbre, stakes, piles, and other thinges in and vpon the common passage for shippes, keyles, cogges, botes, and other vesselles at diuers and many places in the saide ryuer of Ouse and water of Humbre: by reason wherof not onely the saide shippes keles, cogges botes and other vessels are daily in ieoperdie, and men

children

chyldren goodes marchandyse in the same of late haue bene and dayly be like more to encrese to be drowned lande and destroied, but also drowde and fire of fisshe in the saide ryuer and water of Ouse and Humbre be commonly thereby destroied and putrified, to the grete impouerisshment and destruction of the saide citie, onles spedie remedie be in that behalf thereby prouided. Wherfore it may please our saide soueraigne lorde, with the assent of the lordes spirituall and temporall, and the commons in this present parliament assembled, and by auctoritie of the same, that the lorde Chancellor of Englande, for the time being, by the kinges commission vnder his greate seale, afore the first day of May nowe next comminge shall by his discrecion appoint .viii. sad and discrete persons, wherof .iiii. of them to be of the citizens of the said citie of yorke, and burgens. of the saide towne of Hull, and the other .iiii. to be .ii. of them Justices of the peace of the west ridinge of the countie of yorke, and the other .ii. Justices of the peace of the East ridinge of the same countie, that they .viii. vi. vi. b. or .iiii. of them, wherof two of them to be of the saide citizens and burgens. of the saide citie and towne, and other two to be, one of them Justice of the peace of the weste ridinge, and the other of the Easte ridinge of the saide countie, on this side the feste day of June nowe next ensuinge, shall haue power and auctoritie to survey and se the saide fisshegarthes, wortes, piles, stakes, and other ingins set and made in the said riuer and water of Ouse and Humbre: which said persons so assigned shall haue power and auctoritie by vertue of this acte to appoint and assigne by their discrecions the owners of the saide fisshegarthes, stakes, piles, and other ingins to auoide and pull vp, or cause to be auoided and pulled vp within .xl. daies after suche suruey and view made and monicion geuen to the saide owners, euen suche and as many of the saide fisshegarthes, piles, stakes, hecches, and other ingins, which they than by their discrecions shall be thought expedient, mete, and conuenient to be auoided and pulled vp, that the saide shippes, keyles, foggers, boits, and other vessells, passinge and repassinge on the saide riuer and water of Ouse and Humbre, to or from the saide citee of yorke and towne of Hull, may haue direct liberal and frank passage in through or vpon the saide riuer of Ouse and water of Humbre without any perturbance impediment let or daunger by reason of any of the saide fisshegarthes, piles, stakes, or other ingins than left erected and standing in the saide riuer and water of Ouse and Humbre, and that the saide owners on euerie side of the saide fisshegarthes and other ingins nexte to the middell of the saide water streme and passage of the saide vessells, there to sette or cause to sette vnder the saide .xl. daies next limitted three piles of the lengthe of one yarde euer and aboue the highe water marke at the full sea of the saide riuer and water of the space two, there to be and remaine, and to bee kepte and repayred by the saide owners when nede shall require the same for euer, that

suche

suche persons as shall passe and repasse with shippes keles rogges and o-
ther vessels in the same waters, may haue perfet knowledge and sight of
the directe way and passage in the said waters, throughe the said fishegar-
thes and ingins for the saide shippes keles botes and other vessels.

¶ And be it enacted by the said auctorite, that the lorde Chancelor of En-
glande, for the time being, at all times after the saide first surueiance, vpon
request to him to be made by the mayre and comminaltie of the said citie and
towne, or by any other citezen and burgens of the said citee and towne for
the time being, or other person by them vnder the common seales of the
said citie and towne auctorised, shal haue power and auctorite by his dis-
crecion, to make and directe like commissions vnto. viii. sad and discrete
persones, wherof. iiii. of them to be the citezens and inhabitantes of the
saide citie and towne, and the other. iiii. to be Justices of the peace, the
one of the west riddinge, and the other of East riddinge of the countie of
yorke, not of see nor retained with the said citie nor towne, that they. viii.
vii. vi. v. or. iiii. of them, wherof two of them shalbe of the saide citie and
towne, and the other. ii. Justice of peace, the one of the Easte riddinge and
the other of the west ridding of the said countie, by vertue of the said com-
mission, shall and may the saide owners assigne and appoint to pul vp and
prostrate or cause to be pulled vp and prostrated within. xxx. daies after mo-
nition geuen to the said owners by the saide commissioners or by suche of
them taking the charge of the execution of the saide commission suche and
as muche of the saide fishegarthes and other impedimentes to be made in
the saide waters, to the let disturbance damage or ieoperdi of any shippes
keles botes or any other vessels passinge or repassyng to or from the saide
citie of yorke to the saide towne of Hull, as by them shall be thought meete
and conuenient.

¶ And further be it enacted by the saide auctorite, that no maner of per-
son or persones within the saide riuer and water of Ouse and Humbre,
shall set fishegarthes or any other ingins to take fishe within the
waters aforesaide, but onely with suche nettes and other ingins as
shall be of assise and measure, accordinge to the standerd and auncient
and laudable customes vsed in the saide riuer and water of Ouse and
Humbre, and also to vse the fishynge within the saide waters all suche
times as within the same hath of olde time bene accustomed, and at none
other time.

¶ And further be it enacted by the auctorite aforesaide, that euery of
the saide owners and occupiers of suche fishegarthes for euery monethe
offendinge contrarie to this acte, shall forfait. xl. li. And euery other per-
son in fishynge contrarie to this acte offendinge, shall forfaite. x. li. the
one halfe of whiche penaltie and penalties to be to our soueraigne lorde
the kinge, and the other halfe to the mayre and comminaltie of the saide
citie of yorke and their successours, and the same to be recouered againste

euery

euery perſone and perſonnes ſo offendynge as well by bylle informacion or otherwyſe at the kynges ſuite as by originall writte of dette at the ſuite of the ſaide mayre and communaltie and their ſucceſſours, in whyche action the partie defendante ſhall not wage hys lawe, nor haue any protection or eſſoyne allowed.

GOD SAVE THE KYNGE.

An acte concernynge the kinges gracious and free pardon for his spirituall subiectes within the prouince of yorke. Cap. xix.

The kyng our soueraigne lorde calling to his blessed & moste gracious remembrance, that his good & louing subiectes, the moste reuerend father in god Edward archbishop of yorke, & other bishops suffraganes prelates & other spirituall persons of the prouince of the archbishopryche of yorke of this realme of England & the ministers vnder written, which haue exercised practised or executed in spirituall courtes and other spirituall iurisdictions within the sayde prouince, haue fallen and incurred into dyuers daungers of his lawes by thinges done perpetrated and committed contrary to the order of his lawes, and specially contrary to the fourme of the statutes of prouisours prouisions and premunire. And his highnes hauynge alwaies tender eie with mercie pitie and compassion towardes his said spirituall subiectes, mindynge of his highe goodnesse and greatte benignitie so alwaies to imparte the same vnto them, as Justice beynge duely administred, all rigour be excluded, and the greatte and benevolente myndes of his saide subiectes largely and manie tymes approued towardes his highnesse, and specially at their conuocacion and Synode, holden in the chapter house of the metropolitane churche of yorke by correspondence of gratitude to them to be requitted, of his mere motion benignitie and liberalitie, by auctoritie of this his present parliament, hath gyuen and graunted his lyberall and free pardon to his sayde good and louynge spirituall subiectes and the saide ministers and to euerie of them, to be hadde taken and enioyed to and by theim and euerie of theim by vertue of this present acte in maner and fourme ensuynge. That is to wytte The kynges highnes of his saide benignitie and hygh liberalitie in consideracion that the said archebyshoppe byshoppes and clergie of the sayde prouince of yorke in theyr sayde Conuocacion haue gyuen and graunted to him a subsidie of eyghteene thousande eyghte hundred fortie poundes and tenne pence of lawfull money currant in this realme to be leuied and collected by the saide clergie at their proper costes and charges, and to be payde in certaine fourme specified in their saide graunte therof, is fully and resolutely contented and pleased, that it be ordeyned established and enacted by auctoritie of this his saide parliament, that the moste reuerende father in god Edwarde archebishop of yorke metropolitane and primate of Englande, and all other byshopes and suffraganes prelates abbottes prieurs and other conuentes, and euery persoune of the same conuentes, and conuentes corporate, and euery person of the same conuentes corpo-

rate abbasses prioresses and religious nunnes, and all other religious and spirituall persons deanes and chapters and other dignitees of cathedrall and collegiat churches prebendaries canons and petie canons vicars and clerkes of the same and euery persone of the same, all archedeacons maisters prouostes presidentes wardens of colleges and of collegiate churches, maisters and wardeins of hospitals, all felowes bretherne scholers preistes and spirituall conductes and euery of the same, and all vicars generall of dioces chauncellours commissaries officials and deanes rurals, & al ministers hereafter generally rehersed of any spirituall court or courtes within the saide prouince of yorke, That is to saie, all iudges aduocates registers and scribes, proctours constituted to ingementes and apparitours and all other, whiche within the saide prouince of the archebyshopriche of yorke at any time heretofore haue administred exercised practised or executed in ange iurisdictions within the sayde prouince as officers and ministers of the saide courtes, or haue bene ministers or executours to the exercise or administracion of the same. And all and singuler politike bodies spirituall in ante maner of wise corporated, and all persons vicars curates chantrie preistes, stipendiaries, and all & euerie person and persons spirituall of the clergie of the saide prouince of yorke, in this presente acte of pardonne hereafter not excepted, or to the contrary not prouided for, by what so euer name or surname name of dignitie preeminence or office they or ante of them be or is named or called, the successours heires executours and administratours of them and euery of them, shall be by auctorite of this present pardon acquited pardoned released and discharged ayenst his highnesse his heyres successours and executours and euerie of them of all and all maner offences contempres and trespaces committed or doone ayenst all and singuler statute and statutes of prouisours prouisions and premunire and euery of them, and of all forfaitures and titles that may growe to the kinges highnes by reason of any of the same statutes. And of all and singuler trespaces wronges deceptes misdemeanours forfaytures penalties and profyres, summes of money, peines of death, prynes corporall and pecuniar as generally of all other thynges causes quarelles suites iudgementes and executions, in this presente acte hereafter not excepted nor forprised, whiche may be or can be by his highnes in ante wise or by any meanes pardoned before and to the tenthe daie of the monethe of Marche, in the .xxii. yere of his moste noble reygne to euerie of his said louynge subiectes: That is to saie, to the saide archebishop and other the saide byshoppes suffraganes prelates abbottes priours and conuentes and euery person of the same conuentes, and conuentes corporate, and euerie persoune of the same conuentes corporate, abbesses prioresses nunnes and spirituall persons in dignitie, and all other religious and spirituall persons deanes chapters presidentes prebendaries canons petie canons vicars chorals and clerkes, archedeacons maisters prouostes

presi-

prisentes wardens felawes brethern scholers preestes and spirituall con-
ductes chauntrebours vicars generall of dioces commissaries officialles
deanes rurales, all iudges aduocates registers and scribes proctoures
and apparitours, which haue aduaunsed practised or executed any iuris-
diction in any spirituall courte within this saide prouince, and to the sayde
politike bodies spirituall persons beyng curates chauntry preestes stipen-
diaries, and to euery and euery of her person and persons spirituall of the clergy
of the saide prouince, and to all & euery other person & persons before named.
Also the kynges highnes is conceyued, that it be enacted by auctoritie
of this present parliamente, that the saide his pardon shalbe as good and
effectuall in the lawe to euery of the saide spirituall subiectes of the saide
prouince and to euerie of them and to the saide ministers and euerie of
them, and to all and euerie of the saide bodies corporate and other persons
before named, and to euery of them by the general wordes before reherced
in all things, whiche be not hereafter in this present acte excepted, as the
sayde pardon shulde haue bene, if all offences contemptes and forfaitures
causes matters suites quarels iudgementes executions penalties and all
other thinges not hereafter excepted had ben particularly singularly and
playnly pardoned remised reherced and specified by proper or expresse word-
des and names in their kindes natures and qualities in wordes and
termes there vnto requisite in the saide pardon. And that his saide sub-
iectes hereafter not excepted nor any of them their saide ministers succes-
sours heires executours nor administratours of any of them nor any of
them, nor any of the saide bodies corporate be nor shall be sued vexed nor
inquired in their bodies goodes landes or cattalles for any maner matter
cause contempte misdemeanour forfaiture trespas offence or anie other
thinge suffred done or committed before the saide twelfe day of March a-
gainste the kinges highnes, his roiall, prerogatiue, lawes, statutes or
dignitie, but only for such causes matters and offences as be specially and
playnly reserued in the exceptions forprises and prouisions in this present
pardon hereafter mencioned, and for none other, any statute or statutes
lawes customes vse or presidente heretofore made or vsed to the contrarie
in anie wise not withstandinge.

Also the kinges highnes of his bountevous liberalitie by auctorities of
this present parliament graunteth and freely geueth vnto his sayde spiri-
tuall subiectes and their saide ministers, that is to saie to the saide arche-
bishop and all other the saide bysshoppes suffragans, prelates, abbottes
priours comientes abbesses prioresses nunnes and spirituall personnes in
dignitie, and all other religious and spirituall persons deanes chapters
prebendaries canons petie canons vicars choralis and clerkes archedea-
cons ministers prouostes presidentes wardens felowes brethern scholers
preestes spirituall conductes chauntrebours vicars general of dioceses, com
missaries officialis deanes rurals iudges aduocates registers scribes pro-

ctours and apparitours bodies corporate, and all the bodies spirituall, persons vicars curates chaunons prestes stipendiaries and to al other persones spirituall men and women of the clergie or spiritualtie of the sayde prouince and to euery of them al such goodes catalles fines issues profites amerciamentes forfaitures and summes of money by cause of them forfayted, whiche to his hyghnes do or shalde belonge or appertayne by reason of any offence contempte misdemeanour trespas matter cause or quarrel suffred done or committed by them or ante of them before the sayde tenthe day of May nexte, which be not hereafter specially and plainely excepted in this present acte of pardon. And that all and euery of the said spirituall subiectes and their said ministers, & al and euery of the said bodies corporate and other persons before named may by him selfe or his or their attourney or attournes accordinge to the lawes of this realme pleade and minister this present acte and free pardon for hys or their discharge of and for euery thinge that is therby pardoned without any fee or other thynge therfore in any wise paiynge to ane person or persons for pleadynge receyuynge or entre of iudgemente or for ane other cause concernynge the same but onely. vi. d. to the clerke that shall entre the plee matter or iudgement for his or their discharge in that behalfe, any statute or vse to the contrary not withstandynge.

¶ And furthermore the kinges highnes is contented, that it be enacted by auctorite of this present parliament, that his said free pardon in all maner courtes of his lawes and els where shalbe reputed demed iudged allowed and taken as well in the wordes and clauses of thexceptions and forpaies specified in this present pardon and acte, as in all and singular the other clauses wordes and sentences therunto and rehersed in the said free pardon, moste beneficially and auayleable to all and singular his said subiectes, and to euery of the said bodies corporate and politike bodyes spirituall and to euery person spirituall of the said clergie and spiritualtie and to their said ministers & officers, and to all other persons afore named and to euery of them, and to the executours heyres executours and administratours of euery of them, and moste strongely in barre and discharge of the kinges highnes his heyres successours and executours in euery thinge without obstacle chalenge or other denie what so euer it be, to be made pleded obiected or alleged by the kinge our soueraigne lorde his heyres successours or executours, or by his or ane of their generall attourney or attournies, or by ane other person or persons for his highnes or any of his heyres successours or executours.

¶ And furthermore it is enacted by the kinge our soueraigne lorde, and by auctorite of this present parliamente, that if any officer or clerke of any of his high courtes commonly called the kinges benche Chauncery and commune place or of his Eschequer, or ante other officer or clerke of any other of his courtes within his realme after the feaste of Easter next comming,

make

make out or write out any maner of writtes or other processe or any extractes or other precepte, whereby any person or persons of his said subiectes or any of the saide bodies corporate or politike bodies spirituall or any of them shall be in any wise arrested, attached, buttened lonmoned or otherwise vexed troubled or greeued in his or their bodies landes, tenementes goodes or cattals or in any of them, for or because of any maner of thinge acquited, pardoned, released, or discharged by this present acte of free pardon, he so offending, and therof lawfully canbempned shall pelde and pay for recompence therof to the partie so greeued or offended treble damages accompted as parcell of those damages all costes of the suite. And neuer the lesse all and singuler suche writtes, processe, extractes and preceptes after the saide feast of Easter next coming to be made for or vpon any maner thinge acquited pardoned released and discharged by this present acte of free pardon, shalbe vterly voide and of none effecte.

¶ Excepte alwaies and forprised out of this pardon all maner of highe treasons, all prepensed and voluntarie murders, all robberies of churches and robberies done vpon or to mennes persons, al other felonies and robberies by the common lawe, of felonous taking of money, goodes and cattelles aboue the value of. xx. s. all felonous burninge of houses, all carnall rauisshementes of women, all takinge of recordes, all outlawries of high treasons, and of all maner of felonies, other than felonies to the said value of. xx. s. or vnder that some. And that al other outlawries had or promulgate vpon or against any of the kinges saide subiectes for any cause not being treason, murder, or felonie aboue the said some of. xx. s. to be pardoned by the generall wordes of this pardon aforesaide. So alwaies that the same saide subiectes and euerie of them so beinge outlawed haue to right to answere or satisfie the partie at whose suite he is outlawed, according to the lawes of this realme.

¶ Also excepted and forprised out this pardon all titles and actions of Quare impedit, and titles of presentacions, donacions and collacions to benefices and other promocions spirituall, which the king our soueraigne lorde hath or is intitled to haue, other than be growen thabide or might growe vnto our saide soueraigne lorde by force or meane of any statute or statutes or prouisours, prouisions or premunire.

¶ And also excepted and forprised out of this pardon all rauisshements of the kinges wardes al wastes of the kinges woodes in his forestes, parkes, and chaces al concelmentes of customes & subsidies, all riottes, routes and vnlawful assembles committed & done aboue the nombre of. xx. persons.

¶ And also except al maner of alienacions & guftes into mortmain, & al alienacions giftes assignementes, wilies & limitacions of vses of any maners landes tithes, rentes annuites & other hereditamentes to thuse of any maner mortmain, & al intrusions had made or done in or into any manours landes tithes or other hereditamentes sithen the fest of the Natiuitie of our lorde god in the xvii

yere of the reigne of our saide soueraigne lorde. And also all offences committed and done by the ginge bourne or the hinge bourne of any rolle or rolles, whiche stode, or were set in any common or high waie or waies. And all and singuler debtes other then debtes growe vpon recognisances being all ects. forfaited for forfeture of the peace, or for appearence at any day or place.

¶ And except and forprised out of this pardon all accomptes and all actions suites and supplications for the same accomptes and arrerages of accomptes and for the saide debtes or any of them hereby excepted and forprised, all homages and reliefes, all wilfull escapes as well of seruantes as of other persons, debtes whiche were due to the moste noble kynge of famous memorie kinge Henrie the. viii. or to any person or persons to his vse by any condemnacion recognisance obligacion or other wise, all and singuler those forfaitures due to our soueraigne lorde the kinge Henrie the. viii. by any penall statute or statutes, whiche be conuerted into the nature of debte by iudgement or by agreement of the offenders before the saide tenthe day of March: and all forfaitures and other penalties and profites growen or due by reason of any offence or acte committed or done contrarie to any statute or statutes, or contrary to the common lawe, whereof any seizure is made, or any informacion giuen into the kinges Eschekier or any suite commenced before the saide tenth date of March, or whereof the kinges highnes by his bill assigned, or other wise hath made any gifte or other assignement to any of his seruauntes other then suche actions suites, forfaitures, penalties, and profites growen or due, or which might growe or be due to the kinges highnes by reason of any offence contempte or acte committed or done contrarie to the saide statute of prouisours prouisions and premunire or any of them.

¶ And also excepted all issues forfaited fines and amerciamentes assessed taxed set extreted or iudged seuerally or particularly extendinge aboue the somme of C.xx.s. And that all and singuler other fines as well fines prolucencia concordandi as other, and all other issues and amerciamentes as well reall as other, forfaited before the saide. x. day of March, which seuerally or particulerly extende not aboue the saide summe of.cxx. s. whether they be totted or not totted taken to the charge of the shiriffe, or not taken to his charge, extreted or not extreted, whether they be turned into det or not det, and not being leuied nor receiued by any shiriffe or shiriffes bailliffes, ministers, or other officers shalbe fully clerely and playnly pardoned and discharged to euery of the kinges subiectes before rehersed, againste the king our soueraigne lorde his heires and successours for euer.

¶ And it is further enacted by auctoritie aforesaid, that in case it be obiected to any shiriffe or shiriffes or other accomptantes in the kinges courte of his Eschekier, or in any other his courtes, that any shiriffe or shiriffes or other officers accomptantes hath or haue receiued or take any such fines issues or

or amerciamentes before pardoned, released or acquited: that than euery suche shiriffe and shiriffes and other accomptantes shall be discharged released pardoned and acquited therof by his or their othe without any further triall in that behalfe.

¶ Prouided alwaie that this acte of free pardon shall not extende or be in any wise beneficiall to any clerke or other person of the saide clergie or spiritualtee, being the said tenthe day of Marche in the custodie of the sayde archebishop, or of any other ordinarie of the saide prouince, as a person attainted or conuicted by the lawes of this realme of ane murder, felonie, or other crime or offence for or concerninge deliueraunce out of the conuicte person, till that he shall haue made his purgacion according to the lawes & customes vsed in that behalfe, or that he be therof discharged by the kinges pardon or other lawfull meane.

¶ Prouided also that this acte of pardon shall not extende nor be preiudiciall to the kinge our soueraigne lorde his heires or successours in anie thing concerning or touching his right and title of dissolucion of the college being in the vniuersite of Oxford commonly called the cardinals college, whiche was lately founded by the late reuerende father in god Thomas late Cardinall and archebishop of yorke, nor concerninge the kinges right and title to the iuste of the same college. Nor shall extende or be in anie wise beneficiall or auaylable to the deane and canons of the same college or any of them in any thinge concerninge the kinges rightes and titles in al maners, lordeshippes, landes, & tenementes, aduoulons, churches, peronages, and other hereditamentes of the saide college or any of them.

GOD SAVE THE KYNGE.

Tho. Berthelet regius impressor excudebat.

CVM PRIVILEGIO.